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**HOUSE OF COMMONS  
OFFICIAL REPORT**

**PARLIAMENTARY  
DEBATES**

**(HANSARD)**

**Wednesday 23 March 2016**



# House of Commons

*Wednesday 23 March 2016*

*The House met at half-past Eleven o'clock*

## PRAYERS

[MR SPEAKER *in the Chair*]

## Oral Answers to Questions

### SCOTLAND

*The Secretary of State was asked—*

#### **Golf (Economic Contribution)**

1. **Tom Pursglove** (Corby) (Con): If he will estimate the contribution of golf to the economy in Scotland in the last 12 months. [904200]

**The Secretary of State for Scotland (David Mundell):** May I begin by expressing the solidarity of the people of Scotland with the people of Belgium at this difficult time? Our thoughts, prayers and condolences go to the families and friends of all those who were killed and, indeed, everyone caught up in yesterday's horrific events.

Golf makes a huge contribution to Scotland's economy. Independent analysis in 2013 showed that the game contributes more than £1 billion in revenues and supports some 20,000 jobs. There are almost 600 golf courses across the country, generating annual revenues of £582 million.

**Tom Pursglove:** I thank the Secretary of State for his answer, and I very much share his sentiments of solidarity towards the people of Belgium at this very difficult time.

Given the success that my right hon. Friend talks about in relation to golf in Scotland, what steps is he taking to try to secure further investment in this very important industry for Scotland?

**David Mundell:** One new opportunity to support golf and young people in golf arose in last week's Budget: the sugar tax element of the Budget will see investment in sport in schools in the wider UK. I hope the Scottish Government will follow through on that and use those funds to develop sport in schools, including golf—a very popular sport, as I have said. This year, we also have the opportunity to present Scotland's golfing merits to the wider world during the British Open at Royal Troon. It will be a showcase for the world of Scotland's golfing opportunities.

**Dr Philippa Whitford** (Central Ayrshire) (SNP): I thank the right hon. Gentleman for mentioning my local golf course; I am the MP for Royal Troon, and we look forward to welcoming people in July.

Will the Secretary of State discuss with Front-Bench colleagues a regional strategy for smaller airports—at Prestwick, people fly in over Royal Troon—and, while the Chancellor is in a listening mood, will they consider a VAT reduction for rural tourism, which would help many constituencies across the UK?

**Mr Speaker:** Presumably with a view to people then playing golf.

**Dr Whitford:** But they need to come here first.

**Mr Speaker:** Indeed they do, as the hon. Lady pertinently observes from a sedentary position.

**David Mundell:** I would be very happy to meet the hon. Lady to discuss those issues further. I am also very interested in pursuing the proposed Ayrshire regional growth deal, which, in promoting tourism in that part of Scotland, will have golf at its heart.

**Alberto Costa** (South Leicestershire) (Con): May I add my contribution on this topic by saying that it was with pleasure, last week, that I saw the Secretary of State sharing a platform with the First Minister, who I am sure raised the topic we are discussing? Will my right hon. Friend confirm that that is an example of the two Governments working together in the interests of the people of Scotland?

**David Mundell:** Mr Speaker, you will be pleased to hear that the First Minister and I met and shared a platform in St Andrews, which is of course the world home of golf. On sport, as on any matter, Scotland of course does best when Scotland's two Governments work together.

**Angus Robertson** (Moray) (SNP): This is the first opportunity in Parliament to put on the record our total revulsion at and condemnation of the terrorist atrocities in Brussels, as well as our solidarity with everybody affected. We join the Secretary of State for Scotland in that.

The promotion of the Ryder cup in Scotland was a huge achievement for the Scottish Government and the then First Minister, my right hon. Friend the Member for Gordon (Alex Salmond). Today is the last sitting day of the Scottish Parliament. Given that he is standing down from Holyrood, may I pay tribute to my right hon. Friend for his remarkable tenure as an MSP and as First Minister, and pay tribute to all other MSPs from all parties who are retiring? Does the Secretary of State agree that there is much that can be built on following the success of the Ryder cup? How does he plan to contribute to that?

**Mr Speaker:** I am sure that that was a courteous tribute, but I hope the right hon. Gentleman will not object if I say that the first part of his question was way off the fairway.

**David Mundell:** Securing the Ryder cup to be held in Scotland was a significant event. I agree that the former First Minister of Scotland has made a remarkable contribution to Scottish politics, although the right hon. Member for Moray (Angus Robertson) and I will probably differ on the detail of that. What the former

First Minister and many MSPs who are standing down—I also pay tribute to them—have done, and what we all need to do, is promote Scotland together, because that is when we get the best results for Scotland.

**Angus Robertson:** I will try to remain on the fairway, Mr Speaker.

Tourism is one of Scotland's most important industries, and golf and whisky are key drivers for people visiting the country. Does the Secretary of State welcome local initiatives better to promote iconic Scottish regions and locations, such as Speyside? What encouragement would he give to public and private sector partners in making the most of Scotland's world-class potential as a tourism draw?

**David Mundell:** I am aware of the initiatives to promote Speyside, having recently visited the right hon. Gentleman's picturesque constituency, and I wish them well. Such opportunities reach their full potential only with significant public and private sector partners playing a full part, and I look forward to hearing about progress from Speyside and other regions of Scotland that are making the most of that potential.

#### North Sea Oil and Gas

2. **Stuart Andrew** (Pudsey) (Con): What discussions he has had with representatives of the North Sea oil and gas industry on UK Government support for that sector. [904201]

**The Financial Secretary to the Treasury (Mr David Gauke):** Ministers and officials have meetings with a wide variety of organisations in the public and private sectors, including the oil and gas industry. Last week, the Chancellor announced a further package of reforms to support jobs and investment in the oil and gas sector. That will help the industry respond to the challenging commercial conditions caused by the steep fall in oil prices.

**Stuart Andrew:** The excellent Budget package for the oil and gas industry has certainly been welcomed by that industry. Is that another example showing that when Scotland's two Governments work together they can get the best outcome for Scotland in the United Kingdom—something that an independent Scotland could never have achieved?

**Mr Gauke:** My hon. Friend makes an extremely good point. The United Kingdom is able to absorb the shocks of the volatile oil price, and take steps to ensure that our oil and gas sector is as strong as it can be, given the low oil prices.

**Kirsty Blackman** (Aberdeen North) (SNP): Will the Minister and his Front-Bench colleagues commit to taking action to ensure that companies in the oil and gas sector have appropriate access to finance at this time?

**Mr Gauke:** The Government do all they can to support businesses the length and breadth of the United Kingdom in all sectors. My point is that we are able to take action and support the oil and gas sector because we are the

United Kingdom. Had Scotland become independent, it would be facing a very substantial loss of revenue and have great difficulties absorbing that.

#### Government's Welfare Programme

3. **Ms Tasmina Ahmed-Sheikh** (Ochil and South Perthshire) (SNP): What recent discussions he has had with the Secretary of State for Work and Pensions on the effects of the Government's welfare programme on social and economic inequalities in Scotland. [904202]

**The Minister for Employment (Priti Patel):** I meet my right hon. Friend the Secretary of State for Scotland and counterpart Ministers in the Scottish Government on a regular basis to discuss devolution of welfare programmes to the Scottish Government.

**Ms Ahmed-Sheikh:** Last week's Budget saw one of the most iniquitous measures proposed by this Government, which was to cut the personal independence payment for 40,000 disabled people in Scotland. When did the Secretary of State for Scotland, and Ministers, first realise that that was the wrong thing to do? Was it around the Cabinet table, during the Budget statement or on Sunday when the Prime Minister was forced to backtrack?

**Priti Patel:** The Government's position on PIP and disability reforms is clear, and was announced by my right hon. Friends the Secretary of State for Work and Pensions and the Chancellor.

**Stewart Malcolm McDonald** (Glasgow South) (SNP): Will the Secretary of State tell the House and the people of Scotland when he realised that those cuts were wrong, or was he planning a resignation over the weekend?

**Priti Patel:** As I have said, the Government's position has been made abundantly clear. If the hon. Gentleman missed the statement by the Secretary of State for Work and Pensions on Monday, I will be more than happy to share it with him again.

**Ian Murray** (Edinburgh South) (Lab): I start by echoing the comments of the Secretary of State and the leader of the Scottish National party, and pass on my heartfelt condolences to all those involved in the events in Brussels. We will defeat terrorism, but, as the Secretary of State said, it will take solidarity and resolve.

Last night, the House passed a Budget that was unprecedented. It contained a £4.4 billion black hole after the Chancellor was forced to reverse his decision to cut personal independence payments. The Government's long-term economic plan is turning into a long-term economic scam. These savage cuts, following the £1,500 a year reduction in the employment and support allowance work-related activity group, affect over 60,000 Scots. Those cuts would have gone through had it not been for the resignation of the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith). Will the Minister guarantee that, when the Chancellor returns with revised public spending, no cuts will fall on the disabled and the most vulnerable?

**Priti Patel:** I thank the hon. Gentleman for his comments. I welcome his comments with regard to my right hon. Friend the Member for Chingford and Woodford Green

(Mr Duncan Smith). The Government have been very clear that we are not proceeding with the changes and we will not be seeking an alternative offset in savings.

**Ian Murray:** It is clear from that answer, and from the previous answer, that the Government now have absolutely no idea what to do. They are creating untold anxiety for the people in Scotland who are affected. Let me remind the House what the former Secretary of State said: that the cuts in the Budget risked dividing society, put pounds ahead of people and were distinctly political rather than in the national economic interest. Does the Minister agree with her former Cabinet colleague, and many on her own side, that the cuts to disabled people in Scotland are not defensible? Does she want to take this opportunity to apologise, on behalf of the Scottish Conservative party, to the tens of thousands of vulnerable and disabled Scots affected by this shambles?

**Priti Patel:** I reiterate that the Government's position is fundamentally clear: there will be no further changes to disability payments. The hon. Gentleman will have realised that last night the Budget was passed by the House. That was right and proper. He, of all people, should recognise that the Government are delivering on the Smith commission and devolving powers to the Scottish Government. We look forward to working with the Scottish Government on welfare reform and the delivery of employment and support programmes for the benefit and the betterment of the Scottish people.

### Economic Trends

4. **Karen Lumley** (Redditch) (Con): What recent discussions he has had with business groups on economic trends in Scotland. [904203]

**The Secretary of State for Scotland (David Mundell):** I regularly meet a wide range of business organisations to discuss economic issues in Scotland. As I alluded to, last week I shared a platform with the First Minister of Scotland at the annual forum of the Scottish Council for Development and Industry, where we discussed the important issue of productivity.

**Karen Lumley:** Given that businesses in Redditch have welcomed the devolution deal for Birmingham, what representations have business groups in Scotland made to my right hon. Friend about city deals there?

**David Mundell:** I have been particularly delighted at the welcome from business groups in Scotland for the announcement yesterday of the Inverness and Highland city deal. The Scottish Government, UK Government and Highland Council will deliver a £315 million package. I welcome in particular the early-day motion from the hon. Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry) and his colleagues. I pay tribute to him for his part in bringing the deal about.

**Liz McInnes** (Heywood and Middleton) (Lab): The Secretary of State will be aware that about 400,000 workers in Scotland earn less than the living wage. The Government claim to be on the side of working people, so why have his Scottish Tory colleagues voted repeatedly alongside the SNP Government to thwart Scottish Labour proposals to extend the living wage?

**David Mundell:** I will resist the temptation to give the hon. Lady a lecture on the Scottish Labour party's woes and the fact that it has not been a credible opposition to the SNP in Scotland. This Government are very, very clear on our proposals to increase the wages of the poorest in society by the introduction of the national living wage.

13. [904213] **John Stevenson** (Carlisle) (Con): Local government clearly has a role to play in economic development. Does the Secretary of State agree that it is important that the Scottish Parliament also devolves power to local government? Might it look to England for a lead—on elected mayors, for example?

**David Mundell:** I very much take my hon. Friend's comments. When I spoke with the First Minister of Scotland at the Scottish Council for Development and Industry forum last week, I was particularly encouraged by what she said about her support for city deals. I hope that the city deals we see emerging in Scotland will not just include financial packages but go on to include greater devolution within Scotland.

**Dr Lisa Cameron** (East Kilbride, Strathaven and Lesmahagow) (SNP): People in my constituency are extremely concerned about the perceived impact on the local economy and local jobs of the proposed closure of HMRC sites. What impact assessment is being made of these closures on the local economy and jobs?

**David Mundell:** Initial proposals have been set out for the future shape of HMRC. We hear repeatedly in the House about the wish to make HMRC more efficient and effective, but no steps will be taken in the hon. Lady's constituency or elsewhere without full consultation with all those involved.

### EU Membership

5. **Stephen Gethins** (North East Fife) (SNP): What recent discussions he has had with Ministers of the Scottish Government on UK membership of the EU. [904204]

**The Secretary of State for Scotland (David Mundell):** As the First Minister and I both confirmed last week when we shared a platform in St Andrews, in the hon. Gentleman's own constituency, the official position of both the UK and Scottish Governments is that the UK is better off in a reformed EU.

**Stephen Gethins:** First, may I associate myself with the remarks about Brussels, having spent many happy years in that wonderful city? Secondly, the Secretary of State will be aware of the benefits that EU membership has brought us, such as paternal rights and holiday entitlement. Does he agree that we should focus on those benefits, not a rerun of "Project Fear"?

**David Mundell:** I do not know whether the hon. Gentleman saw the details of my speech yesterday, in which I made a positive case setting out the benefits to Scotland of our remaining in the EU, but I look forward to sharing platforms over the coming weeks with him and his colleagues to make that case.

**Philip Davies** (Shipley) (Con): Given that we have a £62 billion a year trade deficit with the EU, does the Secretary of State think that, were we to leave the EU, the Prime Minister would have the ability to negotiate a free trade deal with the EU?

**David Mundell:** My position is clear: I believe that Scotland and the UK are better off in the EU under the reformed arrangement that the Prime Minister has already negotiated.

14. [904214] **Douglas Chapman** (Dunfermline and West Fife) (SNP): Will the right hon. Gentleman recognise that a recent survey confirmed that the Scottish Government were one of the most trusted Governments in Europe? Does he look forward to the re-election of Nicola Sturgeon and her team so that we can continue being the most trusted Government in Europe, including beyond 23 June?

**David Mundell:** I want to ensure that Nicola Sturgeon and her team are held properly to account in the Scottish Parliament, which is why I am encouraging people to vote for Ruth Davidson and the Scottish Conservatives.

#### CCS Funding (Peterhead)

6. **Clive Lewis** (Norwich South) (Lab): What discussions he has had with the Secretary of State for Energy and Climate Change and Ministers of the Scottish Government on withdrawal of funding for the carbon capture and storage scheme at Peterhead. [904205]

**The Secretary of State for Scotland (David Mundell):** I have regular discussions with the Secretary of State for Energy and Climate Change and Ministers of the Scottish Government on a number of important energy issues affecting Scotland. The most recent was last night.

**Clive Lewis:** The Government's own advisers on energy and climate change have warned that the cost of meeting our climate change targets could double without Peterhead and CCS. Given that the Government are having a good run on U-turns when it comes to saving the Chancellor, perhaps they would also like to make a U-turn when it comes to saving the planet—something that people feel is far more worth while.

**David Mundell:** We are looking carefully at all options in developing our approach to CCS, informed by Lord Oxburgh's CCS advisory group. In parallel, the Government continue to engage with the CCS industry—including Shell, which is leading the proposed Peterhead project.

**Margaret Ferrier** (Rutherglen and Hamilton West) (SNP): At the time of the announcement of £1 billion of funding for the CCS scheme at Peterhead, the Energy Secretary was forced to deny that it was a bribe prior to the independence referendum. Now that the withdrawal of this supposedly ring-fenced capital investment exposes it as just that, will the Secretary of State take this opportunity to apologise today to the people of Scotland?

**David Mundell:** If anybody should apologise to the people of Scotland, it is the hon. Lady and her friends for suggesting that oil tomorrow would have a price of

\$103 a barrel. What is clear in relation to CCS is that the costs are high and must come down. We have not ruled CCS out, and we are committed to working with the industry to bring forward innovative ideas for reducing the cost of this potentially important industry.

**Wayne David** (Caerphilly) (Lab): I am reluctant to refer to the Budget because we cannot be absolutely sure what is in and what is out. For example, the Chancellor's support for the oil and gas industry is welcome, but it does not take us very far forward. Unfortunately, it appears that the Government here in London are taking their cue from the Government in Holyrood. There, the SNP Government recently axed £10 million of tax breaks for renewable firms, yet they like to see themselves as a green Administration. Are we not seeing two Governments who are confused, pursuing contradictory policies, and not knowing whether they are coming or going?

**David Mundell:** I can point out one distinct difference between this Government and any Labour Scottish Government, or indeed SNP Scottish Government—and that is that we are not putting up tax for ordinary people as both those parties propose. We have made it very clear that the door is not closed on CCS, but the costs must come down.

#### Scotland Bill (Fiscal Powers)

7. **Nigel Huddleston** (Mid Worcestershire) (Con): What discussions he has had with the Scottish Government on commencement of the fiscal powers in the Scotland Bill. [904206]

**The Financial Secretary to the Treasury (Mr David Gauke):** The UK and Scottish Governments have met 10 times under the Joint Exchequer Committee since the election last year. These discussions resulted last month in the agreement of a new fiscal framework for the Scottish Government. Agreement on the fiscal framework enables us to deliver on the vow we made to the Scottish people and delivers one of the most powerful and accountable devolved Parliaments in the world, with the economic and national security that comes from being part of the UK.

**Nigel Huddleston:** Does the Minister agree that it would be bad news for Scotland if it became the highest taxed part of the United Kingdom? Does he agree with Ruth Davidson MSP that Scottish taxpayers should not have to pay any more in tax than fellow Britons in England, Wales and Northern Ireland?

**Mr Gauke:** The Scottish people have essentially three choices in their elections. Two of them—voting Labour or SNP—would involve paying more in income tax.

**Gavin Newlands** (Paisley and Renfrewshire North) (SNP): Does the Minister agree with me about the Chancellor's reckless, last-minute intervention to tweak the fiscal framework after it had been agreed by the Treasury and the Scottish Government? Is the Minister aware that the Chancellor's brinkmanship intentions endangered the framework at the very last moment?

**Mr Gauke:** The answer is no. An agreement has been reached. We are pleased that we have that agreement, and now it is for the Scottish Government to be held accountable by the Scottish people.

### Budget Measures: Scotland

8. **Deidre Brock** (Edinburgh North and Leith) (SNP): What discussions he has had with the Chancellor of the Exchequer on the effect on Scotland of measures announced in the Budget. [904207]

**The Financial Secretary to the Treasury (Mr David Gauke):** The Chancellor has delivered a budget that delivers for Scotland. This will be the last Budget where a UK Chancellor sets out income tax rates and thresholds for Scottish earners. The changes to the income tax personal allowance will benefit 2.6 million taxpayers in Scotland. The Budget delivers on our plans to build a stronger Scottish economy as part of the UK and put the next generation first.

**Deidre Brock:** I congratulate the Minister on finding the Chancellor to have those discussions—earlier this week, we thought he had gone walkabout! The Budget had £1 billion-worth of cuts to the Scottish budget and £650 million-worth of cuts to the English NHS. Given the volte-face on social security cuts, does he think he could persuade the Chancellor to reverse Scotland's cuts and put in a good word for the English NHS as well?

**Mr Gauke:** Let me remind the House that there were three asks from the SNP: a freeze in whisky fuel duty, a freeze in fuel duty, and help for the oil and gas industry. That is exactly what the Chancellor delivered.

12. [904212] **Alan Brown** (Kilmarnock and Loudoun) (SNP): Did the Secretary of State discuss with the Chancellor the merits of an £8.5 billion corporation tax cut and a £6 billion giveaway in capital gains and inheritance tax versus those of a proposed £4 billion cut in payments to the disabled, and how that would affect people in Scotland, or did he sit there and do what he was told yet again?

**Mr Gauke:** I remind the hon. Gentleman that 73,000 businesses in Scotland will benefit from the cut in corporation tax. Is he saying that he opposes that?

## PRIME MINISTER

*The Prime Minister was asked—*

### Engagements

Q1. [904275] **Sir Peter Bottomley** (Worthing West) (Con): If he will list his official engagements for Wednesday 23 March.

**The Prime Minister (Mr David Cameron):** Adrian Ismay, a Belfast prison officer, died last week as a result of injuries caused by a bomb placed under his vehicle. A murder investigation is under way, and one man has

been charged in connection with the attack, but we should today offer our condolences to the family and friends of Mr Ismay.

Let me also update the House on yesterday's terrorist attacks in Brussels. Details are still emerging, but our understanding is that at least 34 people were killed and many others injured. Daesh claimed responsibility for the attacks, which follow the horrific suicide bombing that they carried out in Istanbul on 19 March. We are aware of four British nationals who were injured in the attack, and we are concerned about one missing British national.

We face a common terrorist threat, and I am sure that the whole House will join me in expressing our full solidarity with the people of Belgium following these terrible attacks. I spoke to the Belgian Prime Minister, Charles Michel, yesterday to pass on our condolences. Our police and agencies are doing everything they can to support the investigation. In this country, we have increased police patrols and border screening. My right hon. Friend the Home Secretary will make a statement later setting out all the steps that we are taking.

Britain and Belgium share the same values of liberty and democracy. The terrorists want to destroy everything that our two great countries stand for, but we will never let them.

Mr Speaker, this morning I had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall have further such meetings later today.

**Sir Peter Bottomley:** Bombers, everywhere and every time, aim for publicity, public reaction, and disunity. Can we disappoint them by uniting for hope, not hate?

**The Prime Minister:** My hon. Friend is absolutely right to say that. These people packed their explosives with nails in order to kill as many innocent people, including women and children, as they possibly could. We should unite in condemnation of them, and we should stand with the people and the Government of Belgium and with all countries that are being afflicted by this appalling terrorist menace, and say that they shall never win.

**Jeremy Corbyn** (Islington North) (Lab): I support the words that have just been said by the hon. Member for Worthing West (Sir Peter Bottomley) and the Prime Minister, in solidarity with the people of Belgium and the victims of the horrific attacks that have taken place in Brussels, and also in Ankara, in the last few days. We pay respect and tribute to all their families and friends, and we pay enormous respect to the emergency services of all denominations for the huge amount of work that they have done to try to save life. We must defend our security and values in the face of such terrorist outrages, and refuse to be drawn into a cycle of violence and hatred. We take pride in our societies of diverse faiths, races and creeds, and will not allow those who seek to divide us to succeed.

My right hon. Friend the Member for Leigh (Andy Burnham) will respond, on behalf of the Labour party, to the statement that the Home Secretary will make at 12.30 pm.

I also join the Prime Minister in sending my deepest condolences to Mr Ismay's wife, Sharon, and his three daughters. The people of Northern Ireland made a profound choice to follow the path of peace when they widely adopted the Good Friday agreement. The actions of an unrepresentative few should not be allowed to change a course that is supported by the overwhelming majority of people in Northern Ireland.

Let me now raise a different subject altogether. Last week, I received a letter from Adrian. He wrote:

"I'm disabled and I live in constant fear of my benefits being reassessed and stopped...and being forced onto the streets".

Will the Prime Minister do what the Chancellor failed to do yesterday, and apologise to those who went through such anguish and upset while there was a threat of cuts to their personal independence payments?

**The Prime Minister:** Let me first thank the right hon. Gentleman for what he said about the terrorist attacks in Belgium, and about Northern Ireland and the fact that we have achieved so much peace and progress in that valuable part of our United Kingdom.

Turning to the issue of disability benefits, as I said in this House on Monday, when you are faced with having to take very many very difficult decisions—including many spending reductions—as we were after becoming the Government in 2010, you do not always get every decision right. I am the first to accept and admit that, and on every occasion that that happens it is very important that you learn the lessons, but as we do so, we will continue to increase spending on disability benefits, which will be more than £46 billion a year by the end of this Parliament, compared with £42 billion when I became Prime Minister.

**Jeremy Corbyn:** Government figures published only this morning show that the number of people with disabilities and who are homeless is now up by 39% since 2010, and that 300,000 more disabled people are living in absolute poverty. That is why people like Adrian are very worried. There has been big disarray in the Cabinet over the last few days, so can the Prime Minister now absolutely and categorically rule out any further cuts to welfare spending in the lifetime of this Parliament? Simply: yes or no?

**The Prime Minister:** Let me respond to all the points that the right hon. Gentleman has just made. First, he talked about the number of people in poverty. We have actually seen poverty fall during this Parliament. The second thing he referred to was the regrettable rise in homelessness, with figures out today, but homelessness is still 58% below the peak that it reached under Labour. That is important. He talked about the number of disabled people. This is a Government committed to supporting the disabled, but it is worth making the point that in the last two years an extra 293,000 disabled people have got into work. We want to continue to close the disability gap, as we have set out in our manifesto.

As for the question about further welfare reductions, let me repeat the statement that the new Welfare Secretary made on Monday and that the Chancellor made on Tuesday. I am happy to make it again. I dealt with these issues on Monday. I turned up and gave the answers even though the Leader of the Opposition had not

asked the questions. We are very clear that we are not planning additional welfare savings other than the ones that we set out in our manifesto and that are in train.

**Jeremy Corbyn:** My question was actually about the poverty of people with disabilities, which the Prime Minister did not answer. In his failure to explain how he would fill the hole in his Budget left by the change of heart on personal independence payments, the Chancellor said:

"We can afford to absorb such changes".—[*Official Report*, 22 March 2016; Vol. 607, c. 1394.]

If it is so easy to absorb changes of this nature, why did the Chancellor and the Prime Minister ever announce them in the first place? Will the Prime Minister now listen and learn, and withdraw the £30 per week cut to disabled employment and support allowance claimants that his Government are pursuing?

**The Prime Minister:** The changes to employment and support allowance have been through both Houses of Parliament. It is important to note that employment and support allowance for the most disabled—that is, those in the support group—is up by almost £650 a year under this Government. We have increased the higher rate of attendance allowance, we have increased carers allowance, and we have increased the enhanced rate of PIP because we believe that a strong economy should support the most disabled people in our country, and that is exactly what we have legislated to do.

If the right hon. Gentleman wants to get on to discussing black holes, I say bring on the argument. We inherited an 11% budget deficit from the Labour party, and under this team of Ministers and this Chancellor of the Exchequer we have cut that deficit by two thirds since we became the Government. From Labour, all we have had is more proposals for more spending, more welfare, more taxes and more debt—all the things that got us into the biggest mess with the biggest black hole in the first place.

**Jeremy Corbyn:** If it is all so fine and dandy, the question has to be asked: why did the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith) feel it necessary to resign as Work and Pensions Secretary, complaining that the cuts being announced were to fit arbitrary fiscal targets? He said that they were "distinctly political rather than in the national economic interest".

In the initial announcement, he proposed cuts to PIPs then changed his mind. Is not the right hon. Member for Chingford and Woodford Green right when he says that this was a political decision rather than one made in the interests of people in this country?

**The Prime Minister:** I believe that after seven or eight years of economic growth it is right to be targeting a surplus, because a responsible Government put aside money for a rainy day. I do not want to be part of a Government that do not have the courage to pay off our debts and leave them instead to our children and grandchildren. That is the truth. What is dressed up as compassion from the party opposite just means putting off difficult decisions and asking our children to pay the debts that we were not prepared to pay ourselves. [*Interruption.*] I do not know why the shadow Leader of the House, the hon. Member for Wallasey (Ms Eagle),



is shouting at me. We have a very interesting document today: the spreadsheet showing which Labour MPs are on which side. The hon. Lady is shouting, but it says here—*[Interruption.]* No, no, it says she is “neutral but not hostile”. On the other hand, the Opposition Chief Whip is being a bit quiet. There are five categories. We have “core” support—*[Interruption.]* I’ve got all day, Mr Speaker. We have “core” support—I think you can include me in that lot very strongly. We have “core plus”. The Opposition Chief Whip is being a bit quiet because she is in “hostile”. And I thought I had problems!

**Jeremy Corbyn:** Let me invite the Prime Minister to leave the theatre and return to reality. The reality is that he has presided over a Budget that unravelled in two days and now contains a £4.4 billion black hole. He may wish to consult the Chancellor on yet another change of heart on this matter. Will he now consult the Chancellor and tell the country who is going to pay for the black hole? Will it be through cuts or tax rises? Where will the cuts fall? Where will the tax rises take place, as £4.4 billion has to be found from somewhere?

**The Prime Minister:** Suddenly the king of fiscal rectitude speaks. The right hon. Gentleman may have noticed that the Budget passed last night. It is a Budget that cuts the deficit in every year of this Parliament. It is a Budget that delivers a surplus by the end of this Parliament. None of that is going to change. He talks about this Budget—*[Interruption.]* The “hostile” shout, but the “neutral but not hostile” have to be quiet, I think. I want to know: hands up, who is “core plus”?

I will tell you what this Budget did. It took a million people out of income tax. It saw more money for our schools. It helped the poorest people in our country to save. It cut taxes for small businesses. It cut taxes for the self-employed. It made our economy stronger. It made our country fairer. It is a Budget that will help this country do better.

**Jeremy Corbyn:** The truth is that it was a Budget that fell apart in two days. The truth is that many people with disabilities went through the most unbelievable levels of stress and trauma after the PIP announcement was made. There are many people who are still going through stress and trauma in our society. There are still—*[Interruption.]* I am not sure that the Government Members who are shouting so loudly have any idea what it is like to try to balance a budget at home when you do not have enough money coming in, the rent is going up and the children need clothes.

**Mr Speaker:** Order. There is too much shouting on both sides of the House. Stop it. The public are bored stiff by it. The right hon. Gentleman will finish his question and we will have an answer. There will be no shouting from Members of any grouping. That is the message.

**Jeremy Corbyn:** The Budget has to mean something for everybody in our society, however poor and however precarious their lives are. This Budget downgraded growth, downgraded wage growth and downgraded investment. The Chancellor has failed on debt targets and failed on deficit targets, as the official figures have shown. The fiscal rule is quite simply failing. The Treasury Committee scrutinised the Government’s fiscal rule and

could not find any credible economist who backed it. Can the Prime Minister find anybody who backs a policy and a Budget with a big hole in it which downgrades every single forecast the Government set themselves before the Budget was made?

**The Prime Minister:** The right hon. Gentleman is just a bit late, because the Budget passed through this House with large majorities on every single vote. Let me remind him: this Government are spending more on the disabled than in any year under the last Labour Government. We are spending more on the most disabled, including the most disabled children in our country. We have got more disabled people into work than ever happened under Labour. What we see with this Budget is the background of an economy that is growing, where employment is at a record high, investment is rising and businesses are creating jobs in Britain, which is the envy of other European economies. It is because we have a strong economy that we are able to provide this support. That is what we see: Britain getting stronger and the Labour party a threat to the economic security of every family in our country.

Q2. [904276] **Mike Freer** (Finchley and Golders Green) (Con): I am sure the Prime Minister is as appalled as I am that incidents involving anti-Semitism are on the rise. Does he agree that all organisations, public and private, should root out anti-Semitism, without hesitation?

**The Prime Minister:** I completely agree with my hon. Friend; anti-Semitism is an absolute cancer in our societies and we should know that when it grows it is the signal of many even worse things happening to ethnic groups and different groups all over our country. There is, sadly, a growth of anti-Semitism in our country and we see it in attacks on Jewish people and Jewish students—it absolutely has to be stamped out. We should all, whatever organisation we are responsible for, make sure that happens. I have to say that we do see a growth in support for segregation and indeed for anti-Semitism in part of the Labour party, and I say to its leader that it is his party and he should sort it out. *[Interruption.]*

**Mr Speaker:** Order. This sort of gesticulation across the Chamber is way below the level and the dignity of senior Members on the Front Bench on either side. It is terribly tedious—cut it out.

**Angus Robertson** (Moray) (SNP): When terrorists attack Brussels or Paris or London or Glasgow, we are as one in our condemnation of the atrocities, as we equally condemn the killings of Yazidis, of Kurds, of Syrians and of Iraqis by Daesh and others extremists. We owe a huge debt of gratitude to those who work here and abroad to protect us in the face of the ongoing terrorist threat, so will the Prime Minister confirm that absolutely everything is being done to help the Belgian authorities and the people of Belgium in the wake of the Brussels attacks?

**The Prime Minister:** I can certainly confirm that. In my conversations with the Belgian Prime Minister I made a number of offers of policing and intelligence assistance that we could give, particularly on high-end, expert and technical capabilities. There are already some intelligence officers embedded with the Belgian authorities

and there is strong police-to-police co-operation. Clearly, the Belgians are coping with an unprecedented situation in their country. We stand ready to do anything more we can and we are also, clearly, examining all the capabilities and things that we have here to see what more we can do to safeguard our own country.

**Angus Robertson:** A defining characteristic of a democratic society is our trust in our institutions and democratic oversight by parliamentarians of those who work so hard to keep us safe. We have that oversight with our police and with our security services, but we do not yet have it with UK special forces under the Intelligence and Security Committee or the Defence Committee. Will the Prime Minister address that?

**The Prime Minister:** I am afraid that I just part company with the right hon. Gentleman on that one. We have put in place some of the most extensive oversight arrangements for our intelligence and security services. Our services do a remarkable job, and the police are regularly called to account both locally and nationally. The work that our special forces do is vital for our country. Like everyone else in this country, they are subject to international law, but I do not propose to change the arrangements under which these incredibly brave men work.

Q6. [904280] **David T. C. Davies** (Monmouth) (Con): In England, this Government have delivered better GCSEs, better A-levels and a better chance of getting into university than Labour has in Wales. Does my right hon. Friend agree that Labour Members have no right to criticise our education policies when their own Education Minister in Wales has had to issue a public apology for the failure of his own?

**The Prime Minister:** My hon. Friend makes an important point. What we have seen in England—and we should praise the teachers who have worked so hard to deliver those results—is a result of rigour in standards, independence in our schools and accountability for results. When we look at Wales, we do not see those things in place, so I urge the Welsh Assembly Government to look at that, and I urge the Welsh people, when they have a choice at the coming elections, to ensure that they vote for parties that put education reform, education standards, education rigour and education accountability first.

Q3. [904277] **Mr Alistair Carmichael** (Orkney and Shetland) (LD): In 1992, the oil tanker Braer ran aground off the south coast of Shetland. It was carrying 85,000 tonnes of Gullfaks crude, which then spilled into the sea and on to our shoreline. It caused economic and environmental devastation. Since the Donaldson report into that disaster, we have had an emergency tug stationed in the Northern Isles. It is our protection against ever being blighted in that way again. The Maritime Coastguard Agency now wants to take that tug away. There will be no finance for it after September. Will the Prime Minister look again at that decision, and repeat the undertaking that he made to the people of Shetland in 2014 that he will not leave them exposed in that way again?

**The Prime Minister:** The right hon. Gentleman makes a very important point. My understanding is that the one tug that has been sustained off the coast of Scotland

has played an important role in the past. The cost is between £2 million to £3 million a year. It is currently used very sparingly, so it is right to look at the right way to deliver the service in the future. Alternative options would clearly take time to develop and implement, which is why we have announced that this will be funded until 30 September 2016, and we will have to make a decision on provision in due course. I will keep him in touch with those developments.

Q7. [904281] **Amanda Milling** (Cannock Chase) (Con): We believe in doing the right thing—[*Interruption.*]—which is why it is absolutely right that the proceeds of crime are returned to the local communities that have been the victims of crime. Staffordshire's police and crime commissioner, Matthew Ellis, is calling on community groups in Cannock Chase to apply for grants from his commissioner's proceeds of crime fund. Does my right hon. Friend agree that that shows that our excellent Conservative police and crime commissioner is delivering real value for the people of Staffordshire?

**The Prime Minister:** My hon. Friend makes an important point. Police and crime commissioners have really bedded in properly as a means of bringing our police to account. The Home Affairs Committee, an all-party Committee, reported recently that those PCCs provide greater clarity of leadership for policing and are increasingly recognised by the public as accountable for the strategic direction of their police force. That is an important reform, and when PCCs bring forward ideas such as using the proceeds of crime in the way that she suggests they should be rewarded at the ballot box.

Q4. [904278] **Stuart Blair Donaldson** (West Aberdeenshire and Kincardine) (SNP): The list of Ministers and advisers who have resigned after the Prime Minister expressed his full confidence in them is extensive, so may I ask him this: does he still have full confidence in the Chancellor?

**The Prime Minister:** Of course, and I will tell the hon. Gentleman why. The Chancellor is the one who, as part of a team, has delivered the fastest growing economy in the G7. We have 2.4 million more people in work; inflation that is virtually zero; wages that are growing; and an economy that is getting stronger.

Q8. [904282] **Mr Peter Bone** (Wellingborough) (Con): The House of Commons Library confirms that this year our net contribution to the EU will increase by more than £2.6 billion—I think it is actually £2,627 million. Should that money be spent on supporting people in Bulgaria and Romania, or should it be spent in this country, supporting our vulnerable and disabled people?

**The Prime Minister:** I say to my hon. Friend that our net contribution accounts for just over one penny in every pound paid in taxes, so as we enter this vital debate we have to work out whether we believe that that sort of investment—one penny out of every pound—is worth the jobs and the investment, the growth and the security, and the safety and the solidarity that we get through working with our partners. I will be on the side that thinks it is, and clearly he will be on the side that thinks it is not, but we should have a polite and reasonable debate as we go through this. What I will say, which I

am sure he will welcome, is that we have limited our contributions to the EU budget because we set an overall EU budget that is falling over the next six years. The reason our contribution varies is that part of it is determined by the success of a country's economy and—to return to the questions I have just been answering—because our economy has been growing faster than others in Europe, we will make a slightly larger contribution than we otherwise would.

Q5. [904279] **Dr Rupa Huq** (Ealing Central and Acton) (Lab): Not only has my constituent Susan Sutovic suffered the death of her son, but the unexplained circumstances of his death have led to a 12-year battle with the authorities in Belgrade, where this happened in 2004. The UK coroner has now ruled that the death was murder. Will the Prime Minister or Foreign Secretary meet the family and do what can be done to get a proper investigation, to resolve the questions that remain and to achieve justice for Petar?

**The Prime Minister:** I am not aware of the case the hon. Lady raises, but obviously it is important that her constituent gets proper resolution. I shall make sure she has a meeting with Foreign Office Ministers to discuss it.

Q9. [904283] **Michael Tomlinson** (Mid Dorset and North Poole) (Con): JPMorgan Chase, Sunseeker, Cobham, Lush and many other local businesses are supporting the inaugural Mid Dorset and North Poole apprenticeships and jobs fair. If he happens to be free on 15 April, I know the Prime Minister would be warmly welcomed at Queen Elizabeth's school in Wimborne. I know that he will welcome the news that unemployment in my constituency is down by more than 60%, but will he ensure that we are not complacent and that we secure the vital infrastructure needed to get good-quality jobs in Dorset and across the south-west?

**The Prime Minister:** My hon. Friend is absolutely right. One of the reasons we have managed to get our unemployment rate down to about 5% and 2.4 million more of our fellow countrymen and women into work is that businesses have recovered using apprenticeships. Events such as the one in his constituency will play a part in reaching our 3 million target for apprenticeships in this Parliament.

Q10. [904284] **Patrick Grady** (Glasgow North) (SNP): Academics, civil society and the Scottish Government have all condemned the Government's anti-lobbying clause in new grant agreements. How can the Prime Minister promote transparency, democracy and freedom of speech overseas when that clause is clamping down on those principles here in the UK?

**The Prime Minister:** I would answer simply that I want taxpayers' and charities' money to go to good causes, rather than to lobbying Ministers and MPs and spent here. That is what they should be spending the money on. It is worth making the point that we are only one day away from what would have been separation day for Scotland. Had that happened, there would not be money for charities—there would not be money for anything.

Q13. [904287] **Andrew Stephenson** (Pendle) (Con): Pubs are the beating heart of many communities across the UK. Will the Prime Minister join me in welcoming the support given to our pubs in successive Budgets by joining me for a duty-frozen pint in the Crown Hotel in Colne, and tell the House what more he can do to support this vital part of our economy?

**The Prime Minister:** I thank my hon. Friend for his kind invitation. In Budget after Budget, we have seen this Government supporting the pub industry, which is such an important part of our economy and particularly of rural communities. I can make an announcement today that, subject to the usual conditions, we will be extending pub opening hours on 10 and 11 June this year, to mark Her Majesty the Queen's 90th birthday. I am sure that that will be welcomed across the House.

Q11. [904285] **Richard Arkless** (Dumfries and Galloway) (SNP): If I compare my constituency with the Prime Minister's and the Chancellor's, I find that I have four times the number of youths unemployed, more than double the disabled claimant count and an average weekly wage that is 20% less. Are those the reasons why the Prime Minister and the Chancellor never understood and never had the compassion to realise, as everybody else did, that the disabled cuts were so obviously wrong? I give the Prime Minister one more opportunity: will he apologise to my constituents, who have been scared witless over the past week?

**The Prime Minister:** Obviously, there remain challenges in the hon. Gentleman's constituency, but the claimant count is down by 16% in the past year alone, the claimant count has fallen by 50% since 2010, and the youth claimant count that he specifically mentioned has fallen by 12% in the past year. That has been delivered because we have a strong economy, businesses want to invest in our country, we are supporting apprenticeships, and we are making sure that that growth is delivering for people. In just two weeks' time, the national living wage will come in, giving the poorest people in our country a £900 a year pay rise, and that will be tax-free because we are lifting the tax threshold in our country.

**David Tredinnick** (Bosworth) (Con): Is my right hon. Friend aware of the remarks this morning by the Foreign Minister of Russia, Sergei Lavrov—that we should put aside our differences and that terrorists should not be allowed to run the show? Does my right hon. Friend agree that we would be stronger if we could work together, but to do that we will have to have a better understanding of Russia's security needs?

**The Prime Minister:** Of course, we want to work with everyone we can to combat terrorism, but particularly when it comes to what is happening in Syria it is vitally important that the Russians stop any attacks and do not restart any attacks against moderate Sunnis and moderate Syrian opposition, which clearly have to form a part of that country. We cannot in the end defeat terrorism simply through the use of guns and missiles. We defeat terrorism through governance and good working democracies, because in that way people can see their own interests being represented by the countries in which they live.

Q12. [904286] **Rushanara Ali** (Bethnal Green and Bow) (Lab): The former Work and Pensions Secretary described the cuts to personal independence payments for the disabled as divisive, unfair and against the national interest. The Chancellor's U-turn suggests that he now agrees. Can the Prime Minister explain how on earth he allowed this to happen in the first place?

**The Prime Minister:** It is good to have an intervention from someone who, I think, is "neutral but not hostile". If the hon. Lady keeps going, she could join "core group plus", with the rest of us. She would be very welcome in "core group plus." Let me tell her what this Government have done: they have increased spending on disability benefits, and seen 293,000 more disabled people into work in the past two years and 2.4 million more people in work. That is bringing the country together, because we have a growing economy that is delivering a fairer society.

**Suella Fernandes** (Fareham) (Con): My right hon. Friend will have seen the recent OECD report on literacy and numeracy in England. Based on data from 2012, it ranked our teenagers bottom out of 23 developed countries for basic maths and reading—a damning indictment of 13 years of Labour's education policy—[*Interruption.*]

**Mr Speaker:** Order. The hon. Lady is entitled to ask her question, and the same goes for every other Member.

**Suella Fernandes:** Thank you, Mr Speaker. Does that not show why a more rigorous curriculum and more autonomy for schools to succeed are vital to turn around the life chances of the next generation?

**The Prime Minister:** My hon. Friend makes an important point, which is that it is worth while benchmarking our education system against those of other advanced countries. What we have seen in recent years is that the competition is very tough. When we look at the countries that are succeeding, whether it is the Republic of Korea or Finland, we see that they have well-paid teachers, proper accountability systems for results and rigour in terms of discipline, and that is exactly what we are introducing in our country with the new curriculum coming in right now.

Q14. [904288] **Ms Tasmina Ahmed-Sheikh** (Ochil and South Perthshire) (SNP): The women of this country are tired of waiting—waiting for equal pay, waiting for an end to maternity and pregnancy discrimination, and waiting for a fair deal for WASPI pensioners. It is 2016. How much longer?

**The Prime Minister:** The hon. Lady is right to raise these issues. It is good that the pay gap is now at an historic low. It has almost evaporated for under-40s but there is more to be done in the public sector and in the private sector to bring that about. On pensions, we have introduced a pensions system which will benefit many, many women in years to come, because we have a single-tier pension without a means test, uprated by prices, earnings or 2.5%. We were able to do that only because we raised the pension age, saving over the long term something like half a trillion pounds—a difficult decision but the right one, because it means that we can look our pensioners in the eye, knowing that they are getting dignity and security in old age.

**Mike Wood** (Dudley South) (Con): Two hundred and sixty thousand new apprenticeships have been created since the election, but the whole public sector needs to play its part if we are to meet the 3 million target to which the Prime Minister has referred. Will he ensure that every part of the public sector invests in training our young people so that we have the skills the country needs?

**The Prime Minister:** My hon. Friend is absolutely right to raise that. Getting 3 million apprentices trained during this Parliament is a very stretching target. We will have to see those large companies that have really put their shoulder to the wheel on this agenda continue to do so, but there are two sectors where we need to do better. One is the public sector; we need more public sector organisations to get behind apprenticeships. We also need to make it simple and attractive for small businesses to start training apprentices again. That is absolutely what the Minister for Skills, my hon. Friend the Member for Grantham and Stamford (Nick Boles), is doing with the skills agenda. We all need to work very hard to deliver this by the end of the Parliament.

Q15. [904289] **Mr Douglas Carswell** (Clacton) (UKIP): If the United Kingdom votes to leave the European Union in June, does the Prime Minister believe that the EU institutions will respond vindictively?

**The Prime Minister:** It is a very difficult question to answer. We should not be naive, were we to vote to leave, in believing that other countries would automatically cut us some sort of sweetheart deal. Just take one industry as an example: farming. Our farmers know now that they have duty-free, quota-free and tax-free access to a market of 500 million people. Were we to leave, could we really guarantee that French, Italian or Spanish farmers would not put pressure on their Governments to give us a less good deal? I do not think that we could. That is one of the many reasons why I think we are safer, more secure and better off in a reformed European Union.

**John Stevenson** (Carlisle) (Con): In April 2015 the Prime Minister said that there should be a new Carlisle principle to ensure that other parts of the UK do not lose out as a result of Scottish devolution. Can he confirm that that principle will apply, who will review the position, when it will report, and who it will report to?

**The Prime Minister:** My hon. Friend is absolutely right. It is particularly important for constituencies, such as his, that are close to the border, to make sure that decisions that are made, quite sensibly and rightly, by the devolved Parliaments and Assemblies do not disadvantage the rest of the United Kingdom. That was the principle set out, and the Chancellor will report regularly on that as he updates the House on his fiscal plans.

**Stephen Kinnock** (Aberavon) (Lab): I trust that the Prime Minister will be aware that there is a critical meeting of the board of Tata in Mumbai on Tuesday. I will be flying out to Mumbai with the general secretary of the Community union to make the case for British steel. That meeting will decide the future of the Port Talbot

steelworks in my constituency. Will the Prime Minister join me in exhorting Tata to stand with that plan and secure the future of the Port Talbot steelworks?

**The Prime Minister:** I absolutely give the hon. Gentleman my backing on that. A team of Ministers met yesterday to discuss all the things that we can do to get behind the steel industry at this vital time. It is an extremely difficult market situation, with massive global overcapacity and the huge fall in steel prices, but there are areas where we have taken action already and we will continue to look

at what more we can do: state aid compensation so that we can secure the energy costs; greater flexibility over EU emissions regulations. We have done a huge amount in terms of public procurement, which I think can make a big difference to our steel industries. We are doing all those things and more, and we are making sure that Tata and others understand how valuable we believe this industry is to the UK and that the Government, within the limits we have, want to be very supportive and very helpful.

## Brussels Terrorist Attacks

12.40 pm

**The Secretary of State for the Home Department (Mrs Theresa May):** With permission, Mr Speaker, I would like to make a statement about the terrorist attacks in Brussels, our response and the threat we face from terrorism in the United Kingdom.

The cold-blooded attacks in Brussels yesterday morning have shocked and sickened people around the world. Fourteen people were murdered and 106 wounded when two bombs exploded at Brussels airport. A further attack at Maelbeek metro station an hour later killed 20 people and wounded more than 100 others. As the Prime Minister has just said, four British nationals are among the injured and we are concerned about one missing British national. Their families have been informed and they are receiving regular consular assistance. We are working urgently to confirm whether any other British nationals have been caught up in these attacks. The investigation into the attacks is still ongoing. These figures may change, and it will take some time for a fuller picture to emerge, but we know that Daesh has claimed responsibility.

These were ordinary people simply going about their daily lives—families going on holiday, tourists visiting the city, workers making their way to their offices. They have been attacked in the most brutal and cowardly way, and I am sure the whole House will want to join me in sending our thoughts and prayers to the victims, their families and those who have been affected by these events. [HON. MEMBERS: “Hear, hear.”]

In Belgium, the authorities have increased that country's terrorist threat level to four, the highest level available, meaning that the threat is serious and imminent. Yesterday, I spoke to my Belgian counterpart, Jan Jambon, to offer my condolences and to make it clear that the UK stands ready to provide any support that is needed. Belgium is a friend and an ally, and we work closely together on security matters. Following the attacks in Paris last November, we deployed police and intelligence service resources to Belgium to support the ensuing investigation, which last week resulted in the arrest of Salah Abdeslam.

This is the 14th attack in Europe since the start of 2015. In January last year, gunmen killed 17 people at the office of *Charlie Hebdo* and a Jewish supermarket in Paris; in February, two people were shot dead at a synagogue and a cafe in Copenhagen; in August, an attack was prevented on a Thalys train en route to Paris; and in November, 130 people were killed, and many more were injured, in a series of concerted attacks in Paris. There have been further attacks in other parts of the world, including in Bangladesh, Saudi Arabia, Lebanon, Kuwait, Egypt and Tunisia, where 30 British holidaymakers were murdered. More recently, a suicide bomber killed at least five people and injured more than 30 in an attack in the heart of Istanbul. And there continues to be a threat from Northern Ireland-related terrorism. The murder of prison officer Adrian Ismay, who died on 15 March, is a stark reminder of the many forms of terrorism we face.

In the UK, the threat from international terrorism, which is determined by the independent joint terrorism analysis centre, remains at severe, meaning that an attack is highly likely. In the last 18 months, the police

and the security services have disrupted seven terrorist plots to attack the UK. All were either linked to, or inspired by, Daesh and its propaganda. We know, too, that Daesh has a dedicated external operations structure in Syria which is planning mass-casualty attacks around the world.

Following yesterday's attacks in Belgium, the Government took precautionary steps to maintain the security of people in this country. This morning, the Prime Minister chaired a second meeting of COBRA, where we reviewed those measures and the support we are offering to our partners in Europe. Border Force has intensified checks at our border controls in Belgium and France, increased the number of officers present at ports and introduced enhanced searching of inbound tourist vehicles. Further measures include security checks on some flights and specialist search dogs at certain ports. The police also took the decision to increase their presence at specific locations, including transport hubs, to protect the public and to provide reassurance. In London, the Metropolitan police have deployed additional officers on the transport network. I can, however, tell the House that neither deployment is in response to specific intelligence.

As I have informed the House on previous occasions, since 2010 the Government have undertaken significant work to bolster our response to the threat we face from terrorism. Last year, the Counter-Terrorism and Security Act 2015 provided new powers to deal specifically with the problem of foreign fighters and to prevent radicalisation. We extended our ability to refuse airlines the authority to carry people to the UK who pose a risk, and we introduced a new power to temporarily seize the passports of those suspected of travelling to engage in terrorism. That power has now been used on more than 20 occasions, and in some cases has led to longer-term disruptive action such as the use of the royal prerogative to permanently cancel a British passport.

A week ago, the House debated the Second Reading of the Investigatory Powers Bill, which will ensure that the police and the security and intelligence agencies have the powers they need to keep people safe in a digital age. Through our Prevent and intervention programmes, we are working to safeguard people at risk and to challenge the twisted narratives that support terrorism. That includes working with community groups to provide support to deliver counter-narrative campaigns. Our Channel programme works with vulnerable people and provides them with support to lead them away from radicalisation, and, as we announced as part of strategic defence and security review in November last year, this year we will be updating our counter-terrorism strategy, Contest. In addition, we have protected the counter-terrorism policing budget. Over the next five years, we will invest an extra £2.5 billion in a bigger, more capable global security and intelligence network. That will include employing more than 1,900 additional staff at MI5, MI6 and GCHQ, and strengthening our network of counter-terrorism experts in the middle east, north Africa, south Asia and sub-Saharan Africa.

Together, those measures amount to a significant strengthening of our domestic response, but, as the threat continues to adapt and morph, we must build on our joint work with our international partners. As this House is aware, the UK enjoys the longest lasting

security relationship in the world, through the “Five Eyes”, with our allies the United States, Australia, Canada and New Zealand. That relationship allows us to share information, best practice and vital intelligence to disrupt terrorist activity, prevent the movement of foreign fighters and stop messages of hate spreading.

Following the attacks in Paris last November, our security and intelligence agencies have strengthened co-operation with their counterparts across Europe, including through the counter-terrorism group, which brings together the heads of all domestic intelligence agencies of EU member states, Norway and Switzerland. Through that forum, the UK has been working to improve co-operation and co-ordination in response to the terrorist threat and to exchange operational intelligence. We are also working bilaterally to increase aviation security in third countries. As I told the five country ministerial in February, defeating terrorism requires a global response, and we will not succeed by acting in isolation.

The United Kingdom has intelligence and security services that are the envy of the world, and some of the most enduring international security relationships. Together with our allies around the world, we must act with greater urgency and joint resolve than we have before. We must continue, as we already do, to share intelligence with our partners, be proactive in offering our expertise to help others, and encourage them to do likewise. We must organise our own efforts more effectively to support vulnerable states, and improve their ability to respond to the threat from terrorism. And we must do more to counter the poisonous and repugnant narrative peddled by Daesh and expose it for what it is—a perversion of Islam, built on fear and lies.

This is the third statement to the House that I have given following a terrorist attack in just over a year. Each horrendous attack brings pain and suffering to the victims and their loved ones. Each time the terrorists attack they mean to divide us. But each time they fail.

Today, all around the world, people of all faiths and nationalities are standing in solidarity with Belgium, just as they stood together after the other appalling attacks. In the UK, people of all backgrounds and communities—Muslim, Sikh, Jewish, Hindu and Christian, and people of no faith—are united in our resolve to defeat terrorism. The terrorists sought to strike at the heart of Europe. They seek to attack our values and they want to destroy our way of life, but they will not succeed. These attacks occurred away from the shores of the UK, but we should not forget that our own threat level remains at severe, which means that an attack is highly likely. We will remain vigilant. The police and security services will continue in their dedication to keeping people safe, and the public should remain alert. Together, we will defeat the terrorists. This is the challenge of our generation, and it is a challenge we will win. I commend the statement to the House.

12.50 pm

**Andy Burnham** (Leigh) (Lab): The Opposition support everything that the Home Secretary has said, and we assure her of our continued full support in confronting this threat. Today, our thoughts are with the families of those killed or injured, with the family of the British person who is missing and with the people of Brussels.

We think of all the people who have suffered in all the attacks that the Home Secretary mentioned, including those last week in Istanbul and Ankara. This was more than an attack on Belgium. It was an attack on the heart of Europe and on all of Europe—a statement of intent from the terrorists, which must be met with a raised and renewed determination to defeat them.

First, let me start with the immediate advice to UK citizens. We welcome the support that is being provided to those caught up in the chaos, but as we approach Easter many families may have travel plans that include travelling to, or through, Belgium. Will the Government consider issuing more detailed travel guidance to them so that they can make informed decisions based on the best available information?

Secondly, on international collaboration, can the Home Secretary say more about the nature of the immediate support that has been provided to Belgium? People will have seen reports suggesting that the suspects were linked to the attacks in Paris and known to Belgian police. That raises the question of whether the Belgian authorities have sufficient capability to deal with the extent of the problem. Is there more that can be done to support them on a longer-term basis? More broadly, given the global nature of the threat, the Home Secretary was entirely right to talk about our collaboration with all European partners.

Thirdly, on border security, we are learning more about the extent of terror networks in Belgium. As we do, it raises questions about travel between the UK and Belgium. Britain has extensive air, sea and rail borders with Belgium. We welcome the immediate steps taken yesterday to strengthen the presence at our borders, but is there now a case for a longer-term review?

Border Force operates juxtaposed controls at six locations in France. However, in respect of Belgium, juxtaposed controls apply only on Eurostar and not at ferry terminals. Will the Home Secretary immediately initiate a review of our borders with Belgium, with a view to strengthening them? She knows of the concerns that I have raised before about UK terror suspects on police bail who have fled the country through sea ports, and we propose to table an amendment to the Policing and Crime Bill to close that loophole. Will she today give a commitment to work with us on that?

More broadly on borders, I have serious concerns about further cuts that are coming following the spending review. Border Force has faced years of cuts and is already stretched to the limit. The new financial year starts in a week's time, but I notice that the Home Office is still to publish a 2016-17 budget for Border Force. Will the Home Secretary correct that today, so that there can be a debate about whether that budget is enough? Surely now is the time to strengthen our borders, not to cut them.

Fourthly, on UK preparedness, we know that seven terror plots have been foiled here in the last 12 months, and we thank all those in the police and security services who are working to keep us safe, but we must keep our own arrangements under review. The public will want reassurance about our ability to cope with a Paris or Brussels-style attack—multiple, simultaneous incidents designed to cause maximum fear and confusion. We know that plans are in hand to improve firearms capability in London, and we welcome those, but there is concern about the ability of cities outside London to cope.

[*Andy Burnham*]

A Home Office report on firearms capability published in July 2015 found that the number of armed officers had fallen by 15% since 2008, including a fall of 27% in Greater Manchester and 25% in Merseyside.

There was a report in *The Observer* late last year that Scotland Yard had briefed the Home Secretary on its fears about the lack of capacity in regional forces to respond to terror attacks. Is that true, and can she say more about it? Has she reviewed the ability of all major cities to respond, and can she provide assurance today that if there were to be a Paris or Brussels-style attack outside London, our police and fire services would have the necessary capability to respond?

In conclusion, while we think of the Belgian people today, we remember, too, that many victims of attacks around the world are Muslims, which suggests that this terror is not about Islam. We also know that, at moments such as this, great anxiety will be felt in the British Muslim community, with fears of reprisal attacks, rising Islamophobia and hate crime. Does the Home Secretary recognise those concerns, and will she today send an unequivocal message to anyone who seeks to promote division or hate on the back of these attacks that they will be dealt with severely? Will she condemn the ill-informed comments made on UK television today by Donald Trump and take this opportunity to distance the UK Government from them? They play into the hands of the terrorists. They are intended to drive a wedge between the Muslim community and the rest of society, who are united in revulsion at what happened yesterday.

Daesh called the innocent people who died and were injured “crusaders”. They were nothing of the sort. They were ordinary, innocent people of all faiths and none, living side by side in one of Europe’s great cities. This is a moment not for division, but for maximum unity among peoples of all faiths and none—a moment to reject those who preach Islamophobia, anti-Semitism and all forms of extremism. Let the unanimous message go out from this House today that we stand together across it as a united country; that we stand with our neighbour Belgium in its hour of need; and that, whatever it takes, and however long it takes, we will face and defeat this threat to our way of life together.

**Mrs May:** I thank the right hon. Gentleman for his comments and the tone that he adopted. He is absolutely right. Everybody in this House condemns the terrorist attacks, and we will stand against anybody who seeks to divide our communities.

The right hon. Gentleman raised a number of issues. On travel guidance, the Foreign and Commonwealth Office has updated its website, and it will continue to do so. It will monitor the situation and update the travel advice on the website as necessary. I say to those who are travelling this weekend that because we have extra checks in place, particularly at the channel ports, people may experience delays that they otherwise would not have done. People should try to make sure that they have ample time when they are travelling this weekend.

In relation to immediate support for Belgium, as I said, following the Paris attack last November, we had already given support to the Belgian Government in both policing and the intelligence services. We are building

on that, and we have made some specific offers—both the Prime Minister to Prime Minister Michel, and myself to Interior Minister Jambon—of areas where we believe we have expertise that could be of benefit to the Belgians. We look forward to working with them on that.

On the issue of the borders with Belgium, the Immigration Minister has already had some discussions, prior to the attack, with Belgian Ministers about how Border Force operates at certain ports and how we can enhance and increase our ability to act in those areas. Border Force is a more flexible organisation now. It is able to draw on resource more easily from around the country when it needs to surge capacity in certain ports, and that is exactly what it has been doing.

On the question of firearms capability, the uplift that we announced in firearms capability is not just about London. It is about looking at the firearms capability of police forces across England and Wales. The programme that is being put in place by the police covers not just London but other areas and other cities. It looks, crucially, at where there is felt to be most need to uplift firearms capability. We are looking at uplifting the armed response vehicles and the trained counter-terrorism specialist firearms officers.

In relation to working with other emergency services, one of the measures that we have introduced—we started this work a couple of years ago; it has been brought to fruition but it continues—is the joint emergency services programme, which brings ambulance, fire and police together at incidents to enable them to work with better communication and in a more co-ordinated fashion.

The right hon. Gentleman was absolutely right to raise the issue of those in the Muslim community in the United Kingdom. The Transport and Home Office Minister, my noble Friend Lord Ahmad, has spoken to a number of imams and other faith leaders today about these issues. There are many people in the Muslim community in the United Kingdom who are, once again, standing up and condemning the atrocities that have taken place in Brussels.

The right hon. Gentleman referred to the comments that Donald Trump has made today. I understand that he said Muslims were not coming forward in the United Kingdom to report matters of concern. This is absolutely not the case: he is just plain wrong. As I understand it, that has been confirmed this morning by Deputy Assistant Commissioner Neil Basu of the Metropolitan police. People in Muslim communities around the United Kingdom are as concerned as everybody else in the UK about both the attacks that have taken place and about the perversion of Islam underlying the ideology that has led to violence. We are working with them and we will continue to work with them to ensure that everything we do is about uniting our communities, not dividing them.

**Mr Dominic Grieve (Beaconsfield) (Con):** I share entirely the Home Secretary’s sentiments in commenting on this appalling attack. In explaining the level of security co-operation that we can achieve with Belgium, and indeed with other European countries, my right hon. Friend rightly drew attention to the co-operation that can be achieved through European Union mechanisms. Does she agree with me it is somewhat strange that there have recently been suggestions that those mechanisms



in some way endanger our security? Does she agree that, in fact, they greatly enhance it and provide a means by which such co-operation can be improved?

**Mrs May:** I thank my right hon. and learned Friend for his comments, with which I agree. A number of mechanisms that we are part of within the European Union enhance our security. As I said in my statement, we need to co-operate on a global basis to defeat these terrorists. Co-operation with other countries, such as within the “Five Eyes” community, is important as well, but we can use mechanisms within the European Union that are of benefit to our security.

**Joanna Cherry** (Edinburgh South West) (SNP): I welcome the tone of the Home Secretary’s statement, and I thank her for notice of it. I wish to associate myself and the Scottish National party with the comments of the Home Secretary and others in condemning outright these appalling and devastating attacks in Brussels. Our thoughts are with everyone affected in Brussels and across the globe. Like many other hon. Members of the House, I have spent time in the beautiful city of Brussels over the years, and I have friends and colleagues there. My heart goes out to its many diverse citizens. In addition, we must not forget those affected by the outrages in Turkey. I add the condolences of SNP Members to those of the rest of the House to all those across Europe who have lost loved ones in these terrible atrocities. Our thoughts and prayers are with all those affected, most particularly the family of the missing British national in Brussels. We sincerely hope that his partner and her sister will be successful in their efforts to locate him.

I wish to associate myself with the comments of the shadow Home Secretary and others about the gratitude we across the House feel to all those, whether the police or the intelligence services, who strive to keep us safe in the United Kingdom. I wish to reiterate the comments of Scotland’s First Minister that these terrorists must not succeed and that we must “unite as a community” to defeat such threats across the United Kingdom and across Europe.

The Scottish National party is committed to protecting the people of Scotland and to keeping our communities safe. While we are aware of the challenges we face from increasingly sophisticated criminals and terrorists, the Government in Scotland have committed to work with the UK Government to defeat these threats against the freedoms we value so dearly. I note that although the UK threat level has not been changed, and we are reassured that there is no specific threat in Scotland, the Scottish Government have taken swift action to place police patrols at airports and rail stations to increase reassurance.

The frightening statement from Daesh promising further attacks and saying that

“what is coming is worse and more bitter”

is the point at which I turn to the Home Secretary for reassurance. People right across the UK will be sitting at home worried for their families and their communities. What reassurances can the Home Secretary give the House about how safe we are in the United Kingdom? What action is her Department taking to ensure that we are protected from and capable of dealing with a future attempted attack? I note that the Home Secretary referred

during her statement to the fact that all seven plots that have been disrupted in the UK were either linked to, or inspired by, Daesh propaganda. Does she accept the importance of undermining Daesh’s propaganda capabilities, particularly online, and what is she doing to address that?

Finally, as I have said many times in the House—I think others have acknowledged this—what is of the utmost importance when faced with such serious criminal and terrorist attacks is to ensure that our response is proportionate, targeted and effective. The terrorists aim to instil fear, to divide us and to destroy our freedoms and civil liberties, but we must not give into that narrative. We must ensure that, whatever additional measures are taken to keep our communities safe, they remain united. I am very reassured by what the Home Secretary said about remaining united with our Muslim brothers and sisters in Britain. I associate myself with what the shadow Home Secretary said, and I invite the Home Secretary to condemn Donald Trump’s comments on British media today. Will she assure me that she will keep the importance of our having a united community across the UK at the core of her efforts in fighting terrorism?

**Mrs May:** The hon. and learned Lady refers specifically to the issue of threat and to safety and security across the whole of the United Kingdom. As I have said and as she will know, the threat level from international terrorism is not set by Ministers; it is set independently by the joint terrorism analysis centre. It has maintained the threat level at severe, which means that an attack is highly likely. Against that background, as I also said in my statement, the police have increased their presence at certain key locations, notably at certain transport hubs, and we have increased the action taken by Border Force at various ports, and that is right. We will obviously keep those levels of activity under observation and monitor them according to the nature of the threat that we see.

It is for us all to be vigilant. I think the public should be alert, not alarmed. We do everything that we can to keep the public safe and secure. Underlying that, however, is of course the need for us to ensure that in particular our intelligence services—our security and intelligence agencies—are able to access the intelligence that enables plots to be disrupted. That means having the powers that we believe are right for them to have to be able to do that role.

The hon. and learned Lady talked about the counter-narrative. It is absolutely right that, as part of the work we do, we should deal with the poisonous ideology that is leading people to violence. That work is being done. We do such work through the counter-terrorism internet referral unit to ensure that pieces are taken down from the internet. The speed at which that happens—the number of items taken down—is now something like 1,000 pieces a week. That has increased significantly in the past year or so. We led on the establishment of an internet referral unit at Europol, which is now enabling that capability to be available not just in the United Kingdom, but across the European Union.

**Damian Green** (Ashford) (Con): One of the most effective weapons that the police and security services have in fighting Daesh terrorism is a constant flow of

[*Damian Green*]

information and intelligence from within the various Muslim communities in this country. Will the Home Secretary assure the House that she and the Government will continue to make every effort to ensure that, in all those communities, there remains the instinct and habit of co-operation with the police and the security services so that this vital flow of information is maintained?

**Mrs May:** My right hon. Friend is right to refer to this as a “vital flow of information”, which it is. From time to time, we look at how to make sure that opportunities are available for people to come forward in a variety of different ways with information that they feel is important. For example, the Metropolitan police have on occasion undertaken campaigns to encourage people to come forward with information. We did that, in particular, in relation to people who might be travelling to Syria. We of course continue look at how to make sure that every opportunity is available for people in Muslim communities and others who feel they have concerns that they need to express to government in various forms to do so. As my right hon. Friend says, that intelligence is absolutely vital.

**Keith Vaz** (Leicester East) (Lab): I commend the Home Secretary’s statement and the unity of all parties in support of what she has said. She was right to protect the counter-terrorism budget last November. At least two of the Paris attackers had gone to Syria to fight and then returned to Europe, and 800 British citizens have now gone abroad, and 400 have returned. I accept her assurances about the borders between our countries and other EU countries, but my concern is the EU’s external border, because anecdotal evidence suggests that those people come from Turkey into Greece. Will she assure the House that the Greek Government are given all the support they need to track people when they return to Europe in the first place? Once people get inside Europe, the Schengen agreement means that they can travel anywhere they like, so that external border is critical.

**Mrs May:** The right hon. Gentleman is right to say that the external border is important, which is why within the European Union we have been arguing with others for a strengthening of that border. He will also be aware that this issue pertains to the migration crisis in Europe and, at the European Council last week and at the previous meeting, decisions were taken about enhancing our ability to strengthen that border. We have already given significant support to Greece regarding the way it deals with people coming across the border, and we are looking to enhance that support. We stand ready with others to ensure that the work at that border is appropriate and does what is necessary to identify people and ensure that those who should be returned to Turkey are returned. The right hon. Gentleman also referred to the Schengen border free zone, and the United Kingdom has its own border at which we are able further to check people who are coming into the UK.

**Sir Edward Leigh** (Gainsborough) (Con): Will the Home Secretary acknowledge that this issue is now the existential threat of our times and our people are in

danger, and that now—as in the 1,000 years of our island history—the channel is our best bulwark. Given that thanks to the Schengen agreement, dozens of jihadists can access all parts of Europe with European passports, will she institute checks on all vehicles entering the United Kingdom from continental ports, and will all the passports of people entering our airports or ports be checked against intelligence sources, whether or not they are European passports?

**Mrs May:** As I indicated in my statement, Border Force has increased its checks at certain ports. However, I think there is a misunderstanding in my hon. Friend’s question, because we have checks at our borders and we are able to check people’s passports when they come through. That is an important part of our structure in the UK and our security, and we will retain it.

**Mr George Howarth** (Knowsley) (Lab): Does the Home Secretary agree that groups such as Daesh no longer distinguish between the near enemy and the far enemy, and that the twisted ideology that she referred to considers European values such as religious freedom, human rights and democracy as an offence against God?

**Mrs May:** The right hon. Gentleman is right to say that Daesh is indiscriminate in whom it chooses to attack. Its terrorist attacks have taken place not only in Europe and Turkey and the countries I referred to, but nearer to its base in Syria and Iraq, where many Muslims have died as a result. It is indiscriminate in the people it attacks, and it is attacking our fundamental values which, as he says, include those of democracy, freedom of religion, and law and order, and which underpin our society. That is why it is so important for our society to say once again that we will not let the terrorists defeat us, and I welcome all the comments made around the Chamber that go out from this House today.

**Victoria Atkins** (Louth and Horncastle) (Con): On a recent visit to Europol, the Home Affairs Committee viewed one of the horrific videos on the internet created by Daesh, and the propaganda that it uses to recruit people to its hideous cause. Does my right hon. Friend agree that the security services and police need modern, digital powers, including bulk powers, to destroy those criminals and keep us safe?

**Mrs May:** My hon. Friend is absolutely right, and those powers are necessary for our police and security services. That is why we will be putting the Investigatory Powers Bill through the House, because it includes powers to ensure that those whose job it is to keep us safe have what they need to do that job.

**Mr Pat McFadden** (Wolverhampton South East) (Lab): The first duty of a Government or any political leader is to protect their citizens. The global list of atrocities that the Home Secretary cited shows that this is a worldwide jihadist ideology, the fight against which we cannot opt out of in the hope that if we leave them alone, they will leave us alone. I implore her to make this battle not just one of critical public safety, but also about the values that my right hon. Friend the Member for Knowsley

(Mr Howarth) spoke about, such as democracy, human rights, equality between men and women, and the freedoms that we enjoy in this country and in others.

**Mrs May:** I absolutely agree with the right hon. Gentleman. This is not something that we can walk away from, and we cannot say that if we do nothing we will be safe and secure. We must fight this ideology and these terrorists, and ensure that the values that underpin our society, which the terrorists are attacking and trying to destroy, are maintained. That is one reason why the Government have looked not just at counter-terrorism, but also at our counter-extremism strategy. We want to work with communities across the United Kingdom to promote the values that underpin what makes this country such a great place to live in—values that are shared across the United Kingdom and across all communities.

**Crispin Blunt** (Reigate) (Con): The Home Secretary referred to the fact that Daesh has a dedicated external operational structure in Syria that is planning mass casualty attacks around the world. It is self-evident that it is much easier for Daesh to progress those attacks against us if it controls an area of territory from which to project that force. Now that there is a cessation of hostilities in Syria, does the Home Secretary agree that it is our priority to assist those Syrian forces that have ceased hostilities to recover the territory now controlled by ISIL-Daesh in Syria?

**Mrs May:** My hon. Friend is right to say that the fight against this brutal terrorist group is not just about what we are able to do for our security or with our partners, but also about what happens in Iraq and Syria, and the action being taken against Daesh there. It is important that a solution is brought to the conflict in Syria, which is why the Government are considering not just protection and security in the UK and intelligence sharing, but also the action that it is necessary to take in Iraq and Syria, and the diplomatic efforts to bring about that political solution and stability.

**Mr Gregory Campbell** (East Londonderry) (DUP): On behalf of my right hon. and hon. Friends I wish to stand with the Home Secretary, and the people of Northern Ireland will wish to stand with the people of Belgium at this time, given that we endured three decades of this type of terror. The Home Secretary referred to Adrian Ismay who was murdered last week, and she will know about the necessity of cross-border co-operation on the only land border between the United Kingdom and the Irish Republic. What levels of increased co-operation will there be to prevent any further ingress by international terrorists who may use the Irish Republic as a base from which to launch attacks on the United Kingdom?

**Mrs May:** We are working closely with the Irish Government to look at areas where it is possible for us to work more closely to enhance our collective security across Ireland and the United Kingdom. We are able to use security measures relating to cross-border arrangements between the Republic of Ireland, Northern Ireland and other parts of the United Kingdom to help with that security, but we talk to the Irish Government about how

we can enhance our co-operation to ensure we keep both the Republic of Ireland and the United Kingdom as safe and secure as we can.

**Mr David Jones** (Clwyd West) (Con): My right hon. Friend will be aware that Holyhead is the second-busiest ferry port in the country and, as such, is a significant point of entry from within the common travel area. Is she entirely satisfied that security arrangements at Holyhead—in particular, checks on vehicles and foot passengers—are adequate to address the terrorist threat as she perceives it?

**Mrs May:** The extent to which Border Force operates checks at various ports is constantly kept under review in relation to threat and perceived risk. My right hon. Friend refers to the common travel area. That is precisely one of the issues we have been working on with the Irish Government to see how we can enhance our collective external border security to ensure that internal border security within the common travel area is improved.

**Mr Ben Bradshaw** (Exeter) (Lab): Our unique intelligence capability helped to first identify that it was terrorists who brought down the Russian plane in Egypt, at a time when that was being denied by the Russians themselves. Will the right hon. Lady assure the House that there are no unnecessary obstacles to our sharing such vital information in a timely fashion with our European partners and allies to help them fight this scourge?

**Mrs May:** I can assure the right hon. Gentleman that we are not only sharing information and intelligence with our European partners but encouraging European member states and others to share intelligence so we can build that collective picture. The terrorists know no boundaries and no borders. We need to work together to ensure we can deal with them.

**Dr Andrew Murrison** (South West Wiltshire) (Con): In issuing travel advice to the public, which they rely on to make an informed choice, will the Home Secretary ensure that we have safety first, but that we do not allow terrorists to close down our way of life and are mindful of the impact of that advice on partner nations? I am thinking in particular of north Africa in recent times and of the impact that advice has had on Tunisia, specifically.

**Mrs May:** My hon. Friend is right to point that out. The attack in Tunisia saw the murder of so many British holidaymakers. Action on travel advice was then taken, working with the Tunisian Government. If people do not travel, that will of course have an impact on a country's economy. I assure him that, in looking at travel advice and in issuing guidance on travel, the Foreign and Commonwealth Office considers a range of issues, but of course what must come first is our desire to ensure the security and safety of British citizens.

**Tom Brake** (Carshalton and Wallington) (LD): I echo the Home Secretary's condolences. Belgium and Brussels have suffered a severe blow and we stand in solidarity with them. I would also like to echo what she said about the Muslim communities here. The Ahmadiyya Muslim Community and the British Muslim Council of Britain, for instance, have been very quick and forthright in

[Tom Brake]

condemning the attacks. After Paris, the Metropolitan police said they would be recruiting an extra 600 armed police officers. Is the Home Secretary able to give us a progress report on that, and does the programme now need to be accelerated?

**Mrs May:** I think there is absolute unanimity around this House in our condemnation of these terrible attacks. There are two elements to the upgrade of the Metropolitan police's armed response. I think that the 600 figure to which the right hon. Gentleman refers is not the recruitment of new firearms officers but the training of existing officers in certain parts of the Metropolitan police. As I understand it, that training is under way. The uplift in armed response vehicles across the country, which I referred to earlier, is also under way.

**Lucy Frazer** (South East Cambridgeshire) (Con): The events yesterday underlined the fact that this is an international threat that requires an international response. We are making every effort to strengthen our domestic capability in the Investigatory Powers Bill. Will the Home Secretary assure the House that, in talking to international partners, she will ensure that the Bill can be practically and swiftly enforced elsewhere?

**Mrs May:** I am very happy to give my hon. Friend that reassurance. One key issue in the Bill is the ability to issue lawful warrants against communication and internet service providers who are located elsewhere, in particular the United States of America. We continue in the Bill to assert the territorial jurisdiction that we and previous Governments have always asserted in relation to those powers, and we are discussing with the US Government the possibility of an agreement that will ensure a very solid basis on which such exchange of information can take place.

**Mrs Louise Ellman** (Liverpool, Riverside) (Lab/Co-op): Is the Home Secretary satisfied with security at international airports with flights to the UK?

**Mrs May:** We have a programme, working with the Department for Transport, to look at airports across the world and assess what security arrangements are necessary. There are occasions when we ask airports to increase their security arrangements. That is a regular programme. Obviously, when a particular incident takes place, such as the attack in Tunisia, we provide a very particular focus on the security available there, not just in tourist resorts but in airports as well.

**David Rutley** (Macclesfield) (Con): I welcome my right hon. Friend's statement and the cross-party condemnation of the terrible acts that have taken place in Belgium. Sadly, these determined terrorists have very sophisticated digital communication capability. What support is my right hon. Friend receiving from internet service providers and other related businesses to help to support the battle against these extremists?

**Mrs May:** Our interaction with internet service providers is of various types. Obviously, there is the question of access to intercept on the issue of a lawful warrant. As I referred to in my answer to my hon. and learned Friend

the Member for South East Cambridgeshire (Lucy Frazer), we are looking at an agreement with the United States of America in particular on that. Internet service providers have also been involved in our work to look at how we can ensure the vile propaganda put out by Daesh and other terrorist groups can be taken down from the internet, and how companies can use their own terms and conditions to ensure that that propaganda is not there to infiltrate the minds of those who could be radicalised.

**Liz Saville Roberts** (Dwyfor Meirionnydd) (PC): I add my party's deepest sympathy with Brussels and all the people who suffered there yesterday. Can the Home Secretary reassure soccer fans travelling from Wales and other UK nations to this summer's UEFA European Championship that every step will be taken to ensure their safety at football stadiums?

**Mrs May:** There is a very well used method of co-operation with other countries when they are hosting major events, such as European football. The police have already been discussing with their counterparts what arrangements are in place. We will of course continue to monitor those arrangements. We want people to be able to go and enjoy the football, have a good time and have confidence in their security.

**Michael Fabricant** (Lichfield) (Con): My right hon. Friend has rightly identified the importance of digital and signals intelligence. She will be aware of the recent conflict, if that is the word, between Apple and the FBI over the San Bernardino terrorist attack. What steps is she taking to talk with companies such as Apple, Samsung and Blackberry to try to make them co-operate for the safety of all our people in the United Kingdom and elsewhere?

**Mrs May:** We have regular meetings, both at official and ministerial level, with a variety of internet and communication service providers to discuss their interaction with the Investigatory Powers Bill and the powers our law enforcement and security agency services in accessing this information. My hon. Friend is absolutely right that this is important. As more and more people are communicating across the internet, we need to ensure that powers in this area are available to our agencies and the police. That is exactly what we are doing in the Investigatory Powers Bill.

**Derek Twigg** (Halton) (Lab): I thank the Home Secretary for her statement. It became clear following the Paris attacks that there were deficiencies in intelligence and policing linked to what was happening in Belgium. Is she happy that we have learned the lessons of those failures and that they have been carried forward to the intelligence services in this country?

**Mrs May:** The intelligence services in this country obviously look at any attack that takes place elsewhere in the world and at the information available to see what lessons we need to learn. The key has been the increase in co-operation and intelligence sharing off the back of these attacks. It is important we learn lessons when things happen. Of course, because of the attacks we have sadly suffered in the past, the UK has developed,

particularly post 7/7, ways of dealing with these issues, and we are working and sharing our experience with others.

**Rehman Chishti** (Gillingham and Rainham) (Con): I welcome the Home Secretary's statement and all that she has said. Does she agree with the comments from the Archbishop of Canterbury in Davos that Europe needs to regain the capacity to use theological language to counter terrorism? She is absolutely right that we have to take down the poisoned propaganda online. What steps are being taken to work with faith communities to put up a counter-narrative online?

**Mrs May:** I was not aware of the Archbishop of Canterbury's comments, but I think he is right. It is important that theological arguments are used to counter this narrative, which is a perverted theology and ideology, and that is exactly what is happening. The Home Office works with people in communities, and, as I am sure my hon. Friend is aware, there are many imams who put on the internet and elsewhere a counter-theology to ensure that this perversion of Islam does not win through.

**Dan Jarvis** (Barnsley Central) (Lab): I thank the Home Secretary for her statement. She will know that the key to defeating this evil is to understand, disrupt and defeat its terror networks, and a key element of that is its funding. Can she assure the House that she is working closely with colleagues in the Treasury and across Government to target the funds that finance this murderous activity?

**Mrs May:** Yes, we are doing that. We are looking to see what more we can do to enhance our ability to deal with terrorists' funding. The UN came together last year, when Finance Ministers from 70 countries met for the first time, to look at the financing of serious crime and terrorism and to see what more action could be taken globally.

**Alex Chalk** (Cheltenham) (Con): Within moments of these atrocities, constituents of mine at GCHQ will have deployed resources to assist their Belgian counterparts. GCHQ is a vital and unique capability. Can the House be assured that it will continue to have the resources it needs to meet what is, regrettably, a growing workload?

**Mrs May:** My hon. Friend is absolutely right. The people at GCHQ will have responded in support of the authorities in Belgium. Day in, day out, they work to keep us safe and are a vital part of the security and intelligence agency and law enforcement response in the UK. GCHQ is world leading and respected around the world, and long may it continue.

**Rushanara Ali** (Bethnal Green and Bow) (Lab): Our thoughts are with the victims of the terrorist attacks and their families. The Home Secretary will be aware that the number of racist and Islamophobic incidents goes up following terrorist attacks, as far right and other extremist groups seek to exploit that space, and that takes up huge amounts of policing resources. Will she assure the House that the police will have the support they need to ensure proper security, support and reassurance in communities such as mine?

**Mrs May:** Yes, we have supported the police in that way, but we are doing more. We have committed to identifying and recording those hate crimes that have a religious element to give us a much better picture of what is happening. The hon. Lady is right that the number of anti-Muslim incidents often increases after a terrorist attack. The police at a local level will be doing everything to deal with them.

**Oliver Dowden** (Hertsmere) (Con): We are all shocked and saddened by the attacks in Brussels, but understandably members of the Jewish community in my constituency are particularly concerned about the risks facing them. Will the Home Secretary update the House on her assessment of those risks and the steps the Government are taking to deal with them?

**Mrs May:** I understand my hon. Friend's comments. The Jewish community in the UK has seen an increase in the number of anti-Semitic incidents over the last couple of years. That is a great cause of concern for us, and the Government are working in several ways to ensure a proper response to those incidents and to send out the message collectively—it is important that the House sends it, as the Prime Minister has done in the last few days—that we condemn anti-Semitic incidents. The Jewish members of our community are as much a part of our British community as are the Muslim, Hindu, Sikh and Christian members and those members who are of no faith. We are one community and must do everything we can to stop these terrible anti-Semitic incidents.

**John Woodcock** (Barrow and Furness) (Lab/Co-op): Further to an earlier question, does the Home Secretary accept that the best people to make the point that Daesh is perverting the true faith of Islam are not herself, the Prime Minister or any non-Muslims, but any and all Muslim groups here and abroad who reject violent jihadism? Is she prepared to make the sometimes difficult calls to empower and back groups here and potentially regimes abroad who do that, even if they might not accord with all the liberal, secular and democratic values we rightly hold dear in this place?

**Mrs May:** The Government work with those who wish to send that message to counter the narrative of the perverted Islam that comes from the ideology that underpins this terrorism. We do that through a variety of community groups in the UK. As I indicated in response to my hon. Friend the Member for Gillingham and Rainham (Rehman Chishti), many imams in the UK and around the world—I have met some of them—are actively working to spread a different theological message. That is important work.

**Bob Blackman** (Harrow East) (Con): My right hon. Friend will be aware that sadly many British citizens have joined ISIL in Syria and that many have returned. They represent a terrorist risk and might poison other people's minds. What assurance can she give the House that they will be apprehended to ensure they do not represent a threat to our security?

**Mrs May:** We gave extra powers to the police and the authorities in the Counter-Terrorism and Security Act 2015. Over and above that, when somebody returns, we

[Mrs May]

make sure they are looked at case by case. For some people, certain interventions will be necessary and will be put in place, but that will be determined case by case.

**Mr Khalid Mahmood** (Birmingham, Perry Barr) (Lab): Regrettably, I stand again to condemn barbaric attacks, this time in Brussels and Turkey, and to say that these people are not of my faith and should not be considered by anybody to be linked to my faith.

I congratulate the Home Secretary on the budget for the intelligence and security services, but will she also look seriously at the issues with Border Force—in particular, people with e-passports who are validated but not checked properly to see where they have been? Will she reconsider the funding for local policing, particularly for community support officers and local police officers? They contribute hugely to tackling radicalisation and dealing with the intelligence they come across. Finally, will she look at the issues of hate crime affecting all communities and ensure that local authorities and police can deal with them?

**Mrs May:** On hate crime, the hon. Gentleman is absolutely right. It is an issue we have taken up with the police. By looking at how we record hate crime, we hope to build a better picture of exactly what is happening. I commend him for the resolute stand he has consistently taken. This is sadly not the first time he has stood up in the Chamber, following an attack, to say they do not take place in his name. That message is echoed throughout Muslim communities in the UK. On e-passports, obviously e-gates have security capabilities, and we look at the number of Border Force staff available to support those going through them, but, in themselves, the e-gates are part of our security resilience at the border.

**Huw Merriman** (Bexhill and Battle) (Con): I pass on my sympathy for, and solidarity with, all those in Belgium who have suffered from what happened. The Government have published their “Stay Safe” principles to help the public and guide them in the event of attacks in this country, particularly those in mass transit. Can more be done by the rail operators and airline companies to ensure that the message is prominently displayed? Although the message is bleak, we would all be the better for reading it.

**Mrs May:** My hon. Friend has made an interesting suggestion, which I will take up with the Secretary of State for Transport. We will look at the issue.

**Steve McCabe** (Birmingham, Selly Oak) (Lab): It is believed that Abdelhamid Abaaoud, who was responsible for the Paris attacks, comes from the Molenbeek district of Brussels. I understand that he was able to visit Birmingham last October. Can the Home Secretary confirm that he did visit the UK? Does she know who accompanied him? Can she rule out that it was anyone associated with the present atrocity?

**Mrs May:** The hon. Gentleman asks me to refer to people who were involved in the current atrocity that has taken place in Brussels. This is obviously an ongoing

investigation, and we are working very closely with the Belgian authorities to ascertain as much information as possible about the individuals involved.

**Jason McCartney** (Colne Valley) (Con): Local media in west Yorkshire this lunchtime are reporting that the family of one of my constituents believe that he is the Daesh terrorist pictured online and responsible for a recent suicide bombing in Iraq, which is claimed to have killed and injured over a dozen people. It is clear that local families have deep concerns about the radicalisation of family members. How can we support those families and tackle terrorism together?

**Mrs May:** My hon. Friend has raised a very important point. It is precisely the need to ensure that people do not move down the path of radicalisation that underpins the Prevent strategy and the use of the Channel programme. Through them, at local level, we want to support those who have concerns about what might be happening within their family or community. We want to ensure that where somebody is at risk of radicalisation, action can be taken to ensure that the individual does not follow that path. I believe it is important that we have put the Prevent duty on a statutory basis, which strengthens our ability to act within communities. I ask anyone who has any concerns about a member of their family or any other individual to contact the authorities at local level so that appropriate support and help can be given.

**Tom Elliott** (Fermanagh and South Tyrone) (UUP): I would like to associate my party with the Home Secretary's comments about the terrorist attacks in Belgium and also those about the murder of Adrian Ismay, a prison officer, in Belfast. Does the Home Secretary believe that the European convention on human rights provides any protection, or any additional protection that is not required, to those living under our jurisdiction who may be intent on carrying out terrorist activity?

**Mrs May:** The hon. Gentleman may know that I have had my own interactions with the European convention on human rights, when the European Court of Human Rights has been used to try to prevent me from deporting people from the United Kingdom. In certain key cases, we were able to ensure the deportation or extradition of individuals who we believed were a danger here in the UK. The operation of the European Court of Human Rights and the European convention on human rights should indeed be looked at, which is why the Government are looking at introducing our own Human Rights Act and possibly a Bill of Rights, which will interact with the ECHR.

**Henry Smith** (Crawley) (Con): An important section of the UK border exists in my constituency at Gatwick airport. I seek my right hon. Friend's assurances that Border Force has been strengthened at that location, particularly given that it accepts so many flights from the vast Schengen area. We need to ensure that terrorists who might have made it into Europe cannot then make it into the British Isles.

**Mrs May:** Yes. Border Force has looked across airports and sea ports to see where it needs to enhance the checks that it provides. It is very conscious of the fact

that the coming weekend is a particularly busy one for Gatwick at the start of a holiday period. It will take action accordingly.

**Jim Shannon** (Strangford) (DUP): I thank the Home Secretary for her statement and commend her for her courage and fortitude at this very difficult time. At this stage of the investigation, it would seem that those who activated the bombs in that murderous attack in Brussels airport did so before they got through security. Is there any intention to upgrade or have spot checks, for instance, outside the present security system? It is quite clear that something more needs to be done.

**Mrs May:** The hon. Gentleman raises an interesting point, on which there has been some commentary in the media. The practical problem is that if security is instigated at an earlier stage, a crowd is simply created in a different place. That is why that suggestion will not necessarily solve the issue of removing the ability to mount an attack on a large number of people. As I have said, the police presence and the visible security presence at certain airports has been increased, but I do not think that the hon. Gentleman's proposal would necessarily remove the opportunity for terrorists to attack a large number of people.

**Matt Warman** (Boston and Skegness) (Con): The appalling events in Brussels highlight the vital work done by our security services to keep us all safe. In the recent debate on the Investigatory Powers Bill, all parties adopted a conciliatory tone. Will my right hon. Friend join me in welcoming that tone and does she share my hope that in the course of the Committee stage we can arrive at a Bill that all parties can support?

**Mrs May:** Yes, I hope that we can achieve that. We responded to the reports of three parliamentary Committees and revised the Bill accordingly. The Bill before Committee has had those revisions made to it. Both the Minister for Security, my right hon. Friend the Member for South Holland and The Deepings (Mr Hayes), and the Solicitor General, my hon. and learned Friend the Member for South Swindon (Robert Buckland), will take the Bill through Committee.

Given the tone adopted in the debate and in the interventions today, I think we could see a constructive process taking place in Committee so that we will shortly have a Bill on the statute book that delivers the safety and security that the people of this country need.

**Clive Efford** (Eltham) (Lab): We need urgently to increase our number of armed officers so that we can rapidly respond to the sort of incident that tragically happened in Brussels. It would be a shame if that were delayed in any way by the need of police forces to take decisions about competing demands on their resources. Can the Home Secretary give an assurance that she is confident that the police have the resources they need to rapidly increase the number of armed police officers, as they are requesting?

**Mrs May:** Yes, because we have made extra money available for the upgrade in armed response.

**Kevin Foster** (Torbay) (Con): I welcome the tenor of the statement, and it is clear that reason and resolve, rather than prejudice and bigotry, should define our response. What discussions about firearms capability has my right hon. Friend had with the Ministry of Defence in respect of the availability of military support for civilian law enforcement, particularly outside the major metropolitan areas?

**Mrs May:** Arrangements are in place for military assistance to the civil power, which can be operated in certain circumstances. Following the attacks in Paris of January last year, we looked at enhancing the capability of the military to support the police, if a multiple attack were to take place. Those arrangements are in place so that there is greater ability for the police to call on the military at an earlier stage if necessary.

**Stuart C. McDonald** (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): The Secretary of State has provided some welcome reassurance about the work under way to track and disrupt the movement of terrorists. Will she tell us specifically about any work under way, both here and across Europe, to disrupt the flow of weapons and explosives? That work is also crucial to our safety.

**Mrs May:** Yes. We have been very clear that we need to see more being done within the European environment and across Europe on firearms. I am pleased to say that, following representations, the European Commission has produced a new draft directive on firearms. I am very clear that we should ban dangerous semi-automatic weapons. That discussion is taking place, but we are clearly pushing for greater ability across the EU to deal with the movement of firearms.

**Mike Wood** (Dudley South) (Con): I worked in Brussels for seven years, and my thoughts are naturally with friends and former colleagues in Belgium, as well as with the families of those who were murdered and maimed yesterday morning. Effective security co-operation with other European Union countries is obviously vital, but will my right hon. Friend also consider how we can effectively exchange appropriate security information with allies through membership of other international organisations, such as NATO and the Organisation for Security and Co-operation in Europe?

**Mrs May:** My hon. Friend is right. We need to ensure that we use every available opportunity, when appropriate, to exchange security information, support and intelligence, and to work together. That is why, as I said earlier, we have the "Five Eyes" co-operation, which is very important to the United Kingdom. We work within the European Union, but other organisations are involved as well. As I said to an Opposition Member earlier, in the United Nations there has also been a greater understanding of some of the measures that need to be taken.

## Points of Order

1.50 pm

**Mrs Cheryl Gillan** (Chesham and Amersham) (Con): On a point of order, Mr Speaker. I should like your advice on a Select Committee report that was published only this morning, but which, I am afraid, relates specifically to some of the business that is before the House today.

The Public Administration and Constitutional Affairs Committee has reported on an investigation into a complaint against HS2 Ltd that was upheld by the ombudsman, who fined HS2. The Committee received and published a large body of evidence that is highly critical of HS2 Ltd. Following its investigation, the Committee has declared that the

“culture of defensive communication and misinformation within”  
HS2

“is not acceptable. Unless those responsible for delivering HS2 understand that first and foremost they serve the public, and take action to reflect this, then they will continue to be vulnerable to the criticism that they have disregard for members of the public who are impacted by”

HS2.

The report was published only this morning, so it has obviously been impossible to table amendments to the High Speed Rail (London – West Midlands) Bill, with which we shall be dealing later today, in respect of the report and that poor communication and disregard for people affected by HS2. Can you advise me, Mr Speaker, whether it would still be possible, in the House, to call for a separate debate on the report, and to look into the continuing disrespectful behaviour of HS2 Ltd and its management?

**Mr Speaker:** I am grateful to the right hon. Lady for her point of order, to which my response is twofold. First, as I am sure she will be aware—this will not satisfy her, but I say it as a matter of fact—the report to which she has referred is tagged to the Third Reading debate on the Bill. That is to say, it is highly germane to that debate.

Secondly, the right hon. Lady asked me whether she could call for, or seek by one means or another, a separate debate on the report. The answer is that most certainly she can seek such a debate, and she may well be successful in obtaining such a debate—I do not, at this point, know—but that, of course, will not assist her in terms of the business scheduled for today. The matters that are up for debate in the House today will naturally proceed, and must, in terms of good order, do so. Nevertheless, the right hon. Lady, who is a wily operator, has made her point in her own way, and it is clearly on the record. That seems to bring—

**Geoffrey Clifton-Brown** (The Cotswolds) (Con) *rose*—

**Mr Speaker:** —a warm smile to the visage of the hon. Member for The Cotswolds, from whom we shall now hear.

**Michael Fabricant** (Lichfield) (Con): And whose birthday it is.

**Mr Speaker:** Whose birthday, allegedly, it is. It is always useful to have a bit of information. I wish the hon. Member for The Cotswolds a happy birthday, and I look forward to hearing his point of order.

**Geoffrey Clifton-Brown:** On a point of order, Mr Speaker—and thank you for your good wishes. As you will know, I very rarely make points of order in the House, but on this occasion I must seek your advice on how I might lobby the business managers about the inadequacy of the time that has been provided for the Report and Third Reading debates on the Bill today.

Millions of people up and down the line are affected by this large and highly complex project, and by the Bill. I do not think that three hours for Report and Third Reading is sufficient to give Members of Parliament an opportunity to make representations on this complex project on behalf of their constituents, let alone members of the Select Committee, some of whom—although not I—spent 160 working days sitting in the Select Committee. Some might give the House the benefit of their wisdom by suggesting how the hybrid Select Committee procedure could be improved.

**Mr Speaker:** First, let me acknowledge and pay tribute to the extremely unselfish and conscientious work that the hon. Gentleman and others did on the Committee, under the distinguished and stoical chairmanship of the hon. Member for Poole (Mr Syms). Secondly, I would say to the hon. Gentleman that if the Government Chief Whip was here, he would have heard the hon. Gentleman’s point of order, but he is not, so he has not. That said, I feel sure that the thrust of it will be conveyed to the Chief Whip ere long.

**Mrs Caroline Spelman** (Meriden) (Con) *rose*—

**Mr Speaker:** Of course I will come to the right hon. Lady, and will treat her with the very greatest respect.

As Members know, and as others attending to our proceedings need to be aware, these are not matters for the Chair. Members are ventilating their very real sense of grievance and unhappiness, but these are matters for the business managers to determine. They make their own judgments. People operate—if I can put it in this way—at their own level in regard to what they judge to be the proper treatment of business and of the thoughts on these matters of Members, including minorities of Members. Those are not judgments that I can second-guess. We all have our own views, but I think that I should properly leave it there.

**Mrs Spelman:** On a point of order, Mr Speaker. You will know that I, too, rarely make a point of order in the House.

I am grateful to you, Mr Speaker, for understanding the frustration that we feel, as Members representing the affected constituencies. The fact is that, given that roughly 50 amendments have been tabled, if we were to put our amendments to the vote in the time available—one hour for the first group and two hours for the second—there would be no time for us even to discuss them.

A great deal of work, and a great deal of excellent assistance from the Clerks, has gone into creating amendments that I believe would ameliorate the consequences of the Bill. Will you use your good offices, Mr Speaker? When you speak to the Lord Speaker, will you draw her attention to the fact that, although amendments were tabled, we had very little opportunity to debate them and press them to a vote?



**Mr Speaker:** That was an extremely well chosen and thoughtful point of order. I acknowledge that, as the right hon. Lady said, she very rarely raises points of order; her seriousness of purpose is, I think, respected in all parts of the House.

I will indeed convey that sentiment to the Lord Speaker. I think that the unhappiness is well known. It is a matter of fact that, among those affected, there will be very real consternation about this. That the individuals affected are a minority of the electorate is not in doubt, but they will be very unhappy about it, and that is not something that should be blithely dismissed by the Executive branch of our political system.

There will be those who think, “All that you do is get the business through and that is all that matters”, and who are quite hard-headed and perhaps even a bit cynical, but people ought to have regard to the views and interests of minorities. They might, on a particular issue, one day be in that position themselves; they will then want the very protection that the right hon. Members for Meriden and for Chesham and Amersham, and the hon. Member for The Cotswolds, are seeking. I will certainly relay the concern to the Lord Speaker.

**Mr Dominic Grieve (Beaconsfield) (Con):** On a point of order, Mr Speaker. It was always my understanding that if one wished to add one’s name to amendments, as long as one did it the day before the day on which the Order Paper was to be published, that was sufficient. So I was a little surprised, on reading today’s Order Paper, to see that, despite the personal visit that I made yesterday to the Private Bill Office—no one suggested to me that I was too late to add my signature to a number of the amendments—my name does not appear at all. I wondered whether that was a matter on which you could shed any light, Mr Speaker.

**Mr Speaker:** We have been extremely well served, as always, by our Clerks, who do their business with great commitment and prowess, and I have just been advised on this matter. That advice is that I will cause the matter to be investigated. The truth is that, off the top of my head, I have absolutely no idea why the right hon. and learned Gentleman’s name has not been added to those amendments. One would assume that in the ordinary course of events it would be, so I am rather taken aback. His understanding of the normal practice is, as usual, quite correct. Let us have the matter looked into, but I hope that it will be trumpeted to the good people of the Beaconsfield constituency that he sought to have his name added to the amendments, and the work in progress is that he may yet succeed in that mission.

**Mrs Gillan:** On a point of order, Mr Speaker. I hope that I am not trying your patience, or that of the House, too much by raising a further point of order. I want your advice on this matter for the benefit not only of those in the House but of the people outside who watch these proceedings. It might be of interest to know that when the Channel Tunnel Bill went through the House in 1987, its Report stage was not guillotined and lasted from 7 pm until 1.50 am. Only after that did its Third Reading debate begin. Mr Speaker, could you confirm that, according to the timetable motion on the Order Paper, if any Member chose to press an amendment in the first or second group to a vote, that vote would eat

into the time allowed for Members to debate these matters? Our constituents are not going to understand why Members do not press these amendments to the vote, but the Government have engineered this so that if we do so, we will have no time to debate the Bill. There might be Members present who wish to have their amendments voted on, but if they press their amendments to a vote, they will rob Members on both sides of the House who are affected by the Bill of the opportunity to speak. As you have pointed out, Mr Speaker, this affects only a very small minority because both the main parties in the House are being whipped to vote for the Bill.

**Mr Speaker:** The right hon. Lady’s interpretation is correct. I always think that it is important for our proceedings to be intelligible to people beyond this place, so let it be stated on the record that these exchanges have not eaten into the time available for debate at all. They have obliged the right hon. Member for North Norfolk (Norman Lamb), who is about to present his ten-minute rule Bill, to wait patiently before being able to speak to it, but they have not in any way detracted from or taken time out of the debate on the High Speed Rail (London – West Midlands) Bill. I am afraid that the right hon. Lady is correct to say that if Members seek a Division on a particular amendment, that will eat away at the remaining time available for debate. A lot of people will feel that that is a regrettable state of affairs, to put it mildly. I note what she has said about the precedent of the Channel Tunnel Bill. The Secretary of State is not in his place, although he might very well be here for Third Reading. As far as I am aware, he is a person of robust constitution and perfectly capable of staying in the Chamber for an appreciable period to debate matters of important public policy. I have never had any reason to suppose that his conscientious Parliamentary Under-Secretary of State—[*Interruption.*] His Minister of State, indeed. No discourtesy was intended to the hon. Gentleman. I have never had reason to suppose that the Minister of State was incapable of strenuous parliamentary endeavour over an extended period.

**The Minister of State, Department for Transport (Mr Robert Goodwill)** *rose*—

**Mr Speaker:** Perhaps the Minister is going to add to that point now.

**Mr Goodwill:** Further to that point of order, Mr Speaker. I should like to point out that last night’s Business of the House motion was not objected to. On the matter of Members having had their say on the Bill, the Select Committee sat for 160 days, which was more than 700 hours. It heard 1,600 petitions, and 21 Members of this House appeared before it a total of 36 times. Indeed, my right hon. Friend the Member for Chesham and Amersham (Mrs Gillan) herself attended three times, for a total of two hours and 10 minutes.

**Mr Speaker:** That is a matter of indisputable fact, and I thank the Minister of State for taking the opportunity to make that point. So far as last night is concerned, it is also a matter of fact that the motion was not objected to. The Business of the House motion appertaining to this matter was of course objected to on Monday

[Mr Speaker]

evening by the right hon. Member for Chesham and Amersham. Had it been objected to last night, there would have been a requirement for a debate today on Members' concerns, which would have eaten into the available time. The absence of an objection last night and the fact that I have just mentioned are obviously causally linked.

**Mrs Gillan:** Further to that point of order, Mr Speaker, and to the courteous contribution from the Dispatch Box by the Minister of State, I would like to confirm that I did object to the sittings motion, but in discussions with the business managers I was informed that if I objected on the second night, the matter would have come back today and eaten into our debating time. That would of course have been completely self-defeating. I think the point was made on the first day when the objection was made, and the Minister should really understand the procedure in that sense.

**Mr Speaker:** The right hon. Lady has put the matter fairly and squarely on the record. I am always happy to hear points of order and to do my best to respond to them, but I think it is fair to say that for now we have exhausted that terrain. We should move on to the ever-patient right hon. Member for North Norfolk.

## Cannabis (Legalisation and Regulation)

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

2.5 pm

**Norman Lamb** (North Norfolk) (LD): I beg to move,

That leave be given to bring in a Bill to amend the Misuse of Drugs Act 1971 to provide for the lawful production, packaging, marketing, sale, purchase, possession and consumption of herbal cannabis in specific circumstances by certain persons; and for connected purposes.

It is long overdue that we call time on the so-called war on drugs launched 45 years ago by the then President of the United States of America, Richard Nixon. Since then, billions of dollars every year have gone straight into the hands of organised crime, Governments have been corrupted by the drugs trade, thousands upon thousands of people have lost their lives in countries such as Mexico and Colombia, profits from the drugs trade have funded terrorism—as recognised by the United Nations Security Council—and thousands of our fellow citizens every year are criminalised for using drugs. This has been a catastrophic failure.

There is an urgent and compelling case for a more rational approach. Thankfully, around the world, sense is breaking out. In the United States, Colorado, Alaska, Oregon, Washington and the District of Columbia have all legalised cannabis, introducing a regulated market. Uruguay has done the same thing. In Europe, Portugal has decriminalised drug use—a move that now has cross-party support from right to left—and is instead taking a health-based approach. Drug-related deaths and sexually transmitted diseases due to drug use have decreased dramatically as a result of the change. And now in Canada, the new Liberal Government have been elected on a manifesto that commits them to legislating for the legalisation of cannabis. My plea is that in this country we should base our approach on evidence and on reducing harms rather than on fear and anxiety about public reaction. My sense is that the public are, in many respects, way ahead of the politicians on this subject.

My starting point is that I am instinctively hostile to drugs, legal and illegal. Tobacco kills about 100,000 people in our country every year. Alcohol causes untold damage to very many families, not least because of its association with domestic violence. It also leads to violence on our streets. The most potent strains of cannabis also carry health risks, including psychosis and memory loss, but do we really think that we best protect people by leaving the supply of cannabis in the hands of organised crime? No criminal is interested in people's welfare. When someone chooses to buy cannabis, they have no idea what they are buying or how potent the product is. So-called skunk is widely available on the criminal market in every town and city across our country. Any idea that we can protect people by keeping it illegal is fanciful. No one now believes that we can actually win the war on drugs, so a public policy intended to protect people from harm is achieving precisely the opposite, and we are putting billions of pounds every year into the pockets of organised crime. What a spectacularly stupid self-defeating policy!

Some people raise a legitimate anxiety about people moving from cannabis to harder, more dangerous drugs, but the risk is self-evidently far higher when people buy from criminals, who have a direct interest in persuading

them to do just that. On top of that, we criminalise tens of thousands of people every year for the use of cannabis, blighting their careers, damaging their life chances and restricting their ability to travel. Many people with mental ill health resort to cannabis as a relief from the pain they suffer, and then we criminalise them. What a cruel, unjust policy that is. We criminalise multiple sclerosis sufferers and many others who use cannabis to relieve pain, so I strongly support the “End Our Pain” campaign.

There is real hypocrisy here. While those people are knocked back by criminal convictions, others, usually the more privileged, go on to build successful careers. How many members of the Government have smoked cannabis while maintaining their support for the conviction of their fellow citizens? The Prime Minister was a reformer. It has also been reported that he and others were caught smoking cannabis at Eton. He has gone on to do quite well. Having signed up to a Select Committee on Home Affairs report in 2002 calling for the then Labour Government to initiate a discussion of alternative ways, including the possibility of legalisation and regulation, to tackle the global drugs dilemma, he retreated once elected Conservative leader and now seems implacably opposed to reform. Why has the Prime Minister changed his mind? Why continue to allow our fellow citizens to be put at risk, with the possibility of criminal conviction, for doing exactly what he did?

My party, the Liberal Democrats, commissioned an independent expert panel to advise on a more rational approach. The panel was made up of leading experts and included a retired chief constable of Cambridgeshire, Tom Lloyd, and the serving chief constable of Durham, Mike Barton. They know better than anyone the drain on police time caused by dealing with drug possession offences. The report, published on 8 March, is rational, wise and balanced. It points to a different approach, and the Bill seeks to implement that approach.

The proposed framework is based on the primary goal of protecting and enhancing public health and community safety, with a particular focus on the health and wellbeing of vulnerable and marginalised groups. It is guided by evidence and deliberately cautious and proposes regular reviews. It sets out plans to establish a cannabis regulatory authority. Producers and products

and sales would be licensed. Cannabis would be sold through licensed outlets. There would be mandatory provision of health advice to consumers at the point of sale. Cannabis would be sold in plain packaging. There would be a minimum age of 18 for the purchase and consumption of cannabis. Critically, there would be controls on potency, with a minimum requirement of 4% cannabidiol, which is important for reducing the risk of dependence, psychosis and memory loss. Of course, no such safeguards are available on the existing criminal-controlled market.

The expectation is that sales could raise up to £1 billion in tax. There would be significant savings of police time, enabling them to focus on serious and violent crime. Limited amounts of home growing for personal use would be permitted, with an enforceable limit of plants per household. The scheme would also permit small-scale licensed production for membership-based cannabis social clubs similar to those that have existed for years in Spain. They would have to be operated on a not-for-profit basis and would be subject to conditions, including limiting the size of clubs to fewer than 100 adult members and limiting per-member production and supply. It would remain a serious criminal offence to drive while impaired by cannabis.

I understand why many people’s first instinct might be to fear the consequences of legalising cannabis, yet thinking through the disastrous consequences of maintaining prohibition of this drug—the profiting of criminals, the health risks resulting from people not knowing what they are buying, the criminalising of so many people, including those with mental ill health and multiple sclerosis—leads to the recognition that a new, more rational approach is desperately needed.

*Question put and agreed to.*

*Ordered,*

That Norman Lamb, Tim Farron, Mr Nick Clegg, Tom Brake, Mr Alistair Carmichael, Caroline Lucas, Paul Flynn, Michael Fabricant, Crispin Blunt and Mr Peter Lilley present the Bill.

Norman Lamb accordingly presented the Bill.

*Bill read the First time; to be read a Second time on Friday 22 April, and to be printed (Bill 156).*

## High Speed Rail (London – West Midlands) Bill

[Relevant documents: Ninth Report from the Transport Committee, Session 2013-14, High speed rail: on track?, HC 851, and the Government Response, HC 1085; Oral evidence taken before the Transport Committee on 25 March 2014, High speed rail: update, HC 1193; Oral evidence taken before the Transport Committee on 17 November 2014, on HS2: update, HC 793; Sixth Report of the Public Administration and Constitutional Affairs Committee, Follow up to PHSO Report of an investigation into a complaint about HS2 Ltd, HC 793; Second Special Report from the Select Committee on the High Speed Rail (London – West Midlands) Bill, High Speed Rail (London – West Midlands) Bill, HC 129; First Special Report from the Select Committee on the High Speed Rail (London – West Midlands) Bill, High Speed Rail (London – West Midlands) Bill, HC 698; First Special Report of Session 2014-15 from the Select Committee on the High Speed Rail (London – West Midlands) Bill, High Speed Rail (London – West Midlands) Bill, HC 338.]

Consideration of Bill, as amended in the Select Committee, not amended in the Public Bill Committee

### New Clause 19

#### VOCATIONAL QUALIFICATIONS

(1) The Secretary of State must prepare a report on vocational qualifications obtained in each financial year in connection with HS2 construction.

(2) Each such report must contain an account of vocational qualifications gained by individuals employed in constructing the network referred to in section 1(1), in preparing for such construction, and in connected and ancillary activities, broken down by type of qualification and activity.

(3) Each such report must contain an overall assessment of the costs of vocational training for relevant qualifications and by whom such costs were incurred.

(4) In this section, “financial year” means—

- (a) the period beginning with the day on which this Act is passed and ending;
- (b) each subsequent period of 12 months.

(5) The Secretary of State must lay each report under this section before Parliament as soon as is reasonably practicable after the end of the financial year to which it relates.”—  
(Mr Goodwill.)

*Brought up, and read the First time.*

2.16 pm

**The Minister of State, Department for Transport (Mr Robert Goodwill):** I beg to move, That the clause be read a Second time.

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

New clause 1—*Reimbursement of local authorities for expenses and lost business rate revenue resulting from HS2—*

(1) The Secretary of State for Communities and Local Government and the Secretary of State for Transport shall conduct an assessment of costs incurred by local authorities that arise directly and indirectly from the construction and future operation of HS2, including staff costs, and shall ensure that such additional funding as is required to reimburse local authorities for those costs is made available.

(2) To the extent that such additional funding is not made available through service level agreements, the Secretary of State for Transport shall make the additional funding available through other means of local authority funding within six months of the end of the relevant financial year.

(3) The Secretary of State for Communities and Local Government shall appoint an independent auditor to assess the extent of any shortfall in local authority revenue attributable to closure of or movement of businesses and consequential diminution in business rates.

(4) The Secretary of State for Transport shall establish a mechanism whereby any such shortfall shall be made good within six months of the end of the relevant financial year.’

*This new clause is intended to give statutory enforceability to the Department for Transport’s intention to reimburse local authorities for costs consequential on the construction of HS2, and to ensure that there is compensation for lost business rate revenue.*

**New clause 2—Reimbursement of local authorities for damage to highways resulting from HS2 construction—**

‘The Secretary of State for Communities and Local Government and the Secretary of State for Transport shall conduct six-monthly assessments of the amounts required to repair and make good highways in each county following construction of HS2 Phase One, and shall ensure that such additional funding as is required to meet those amounts is made available to local authorities.’

*This new clause is intended to give statutory enforceability to the Department for Transport’s intention to reimburse local authorities for highways repair costs consequential on the construction of HS2.*

**New clause 3—Amount of funds allocated to the Business and Local Economy Fund and Community and Environments Fund—**

‘The Secretary of State for Transport shall allocate a sum of £150,000,000 to the funds established to support business and local economy and community and environment initiatives to mitigate and address the effects of HS2 construction.’

*This new clause is intended to increase the amounts allocated by the Department for Transport to the Business and Local Economy Fund and the Community and Environment Fund from £30m to £150m.*

**New clause 4—Compensation procedures—**

(1) The Secretary of State for Transport shall ensure that included within contested valuation procedures for claimants under statutory or discretionary HS2 compensation schemes are processes for valuation by a valuer with knowledge of local markets.

(2) The Secretary of State shall ensure that all compensation applications are acknowledged within a period of two weeks and responded to substantively within a period of ten weeks, failing which the application will be deemed accepted.’

*This new clause is intended to insert procedures for valuation by local valuers in disputed compensation cases, and to seek to ensure timely responses to compensation applications.*

**New clause 20—Public Sector Operators—**

(1) Section 25 of the Railways Act 1993 (c. 43) (public-sector operators not to be franchisees) does not apply in relation to the franchisee in respect of a franchise agreement—

- (a) which relates wholly or mainly to the provision of one or more Phase One of High Speed 2 passenger services, or
- (b) which relates wholly or mainly to the provision of one or more other services for the carriage of passengers by railway where—
  - (i) the services run wholly or partly on the route of Phase One of High Speed 2, and
  - (ii) the services are likely to be subject to substantial disruption because of the construction of Phase One of High Speed 2.

(2) The following may in particular be taken into account in determining whether, for the purposes of subsection (1)(b), services are likely to be subject to substantial disruption—

- (a) the frequency with which the services are likely to be disrupted,
- (b) the duration of the period in which the services are likely to be disrupted (and, in particular, its duration relative to the length of the franchise term),
- (c) the severity of any likely disruption.

(3) In this section—

“franchisee”, “franchise agreement” and “franchise term” have the meanings given by section 23 of the Railways Act 1993 (designated passenger services to be provided under franchise agreements).’

**New clause 21—*Financial Reports*—**

‘(1) The Secretary of State must prepare a report on expenditure under this Act in relation to each financial year.

(2) Each report must contain details of—

- (a) expenditure incurred during the financial year to which the report relates (with capital and resource expenditure specified separately in relation to construction and other activity under this Act and in respect of each head of expenditure referred to in section 1(4)(a) to (c) of the High Speed Rail (Preparation) Act 2013);
- (b) the extent to which expenditure incurred during that year represents an overspend or underspend as against the budget for such expenditure for the year;
- (c) the likely effect of any such overspend or underspend on a total budget of £55.7 billion in 2015 prices (which includes construction and the cost of rolling stock);
- (d) total expenditure incurred under section 67 up to the end of that year;
- (e) sums or assets received in that year in connection with expenditure incurred under this Act, including in relation to section 48.

(3) In this section, “financial year” means—

- (a) the period beginning with the day on which this Act is passed and ending;
- (b) each subsequent period of 12 months.

(4) The Secretary of State must lay each report under this section before Parliament as soon as is reasonably practicable after the end of the financial year to which it relates.’

**New clause 26—*Protection of business continuity by extended notice of entry in the case of vulnerable businesses*—**

‘(1) If an operator of a business or undertaking believes that the business or undertaking’s continued operation or profitability would be vulnerable if inadequate notice is received of the planned exercise of powers under sections 4, 5, 6, 12 or 15 of this Act and the associated schedules, the operator may notify the Secretary of State of this belief.

(2) For the purposes of subsection (1), “inadequate notice” means a period of notice that would not provide a reasonable amount of time for the business or undertaking to relocate to a new premises and refit that premises to a reasonable standard before the exercise of the powers.

(3) Upon receipt of such notification, the Secretary of State must facilitate a dialogue with the operator in relation to timing and funding of business relocation, and required notice periods, and shall consider the reasons for the operator’s belief.

(4) Unless the dialogue provides a satisfactory resolution within three months of initial notification—

- (a) a 12-month minimum notice period shall apply for the exercise of powers mentioned in subsection (1) in relation to the relevant business or undertaking; and

- (b) the early compensation payable to the operator shall be 100%, not 90%, of the estimated relocation costs, and such compensation shall be payable in full, nine months before the anticipated relocation date notified by the operator.’

**New clause 27—*Report on classification of HS2 as England-only project*—**

‘Within 3 months of this Act receiving Royal Assent, the Secretary of State must lay before both Houses of Parliament a report on—

- (a) the classification of HS2 as an England-only project for the purposes of Treasury expenditure, and
- (b) how much extra money Wales would receive in terms of Barnett consequential money as a result of such classification.’

*This new clause would require the Secretary of State to produce a report on reclassifying HS2 as an England-only project for the purposes of calculating Treasury expenditure through the Barnett Formula and how much more money Wales would have received as a result.*

**New clause 30—*Community detriment fund*—**

‘(1) The Secretary of State must establish a community detriment fund.

(2) The community detriment fund will provide an additional source of funding to communities, supplemental to that available through the community and environment fund.

(3) The community detriment fund will be available to address adverse impacts of HS2 construction on communities, including but not limited to impaired accessibility, diminution in availability of community amenities, and physical effects of construction.

(4) A principal objective of the fund will be to remove the need for formal compensation claims and to provide an expedited means of claiming funding for detriment.

(5) The fund will be available only to address adverse effects on communities, not impacts on individual households, businesses or undertakings.

(6) Among the measures that may be considered as available for funding to address detriment shall be transport facilities such as shuttle services.’

**New clause 32—*Review of fairness of rural support zone compensation*—**

‘The Secretary of State must conduct a review of the reasons for situating the boundary of the Rural Support Zone in west London which shall be laid before both House of Parliament within three months of this Bill receiving Royal Assent.’

**New clause 33—*Compensation*—**

‘(1) Within three months of this Bill receiving Royal Assent, the Secretary of State shall lay before both Houses of Parliament a report responding to a review of compensation applicable to those affected by HS2 Phases One and Two which shall by then have reported in accordance with directions already issued.

(2) The review shall consider the following—

- (a) whether a compensation framework based on a property bond system could be an equally or more effective means of compensating those affected by blight from HS2 construction and operation while maintaining a functioning property market, having due regard to demands on public expenditure and investment;
- (b) whether the current rateable value limit for compensation and blight claims by owner-occupiers of business premises should be abolished or amended;
- (c) whether loss payment ceilings are fair and appropriate;
- (d) whether a higher proportion of advance compensation for relocation than the current 90% should be payable in certain instances;

- (e) whether the time limits for claiming compensation where no land is taken should be re-evaluated;
- (f) the position of those affected by blight caused by HS2 whose property is subject to mortgage and who may find themselves unable to remortgage or in a position of negative equity as a result of such blight;
- (g) whether those considering a claim for compensation should receive advance payment of fees for professional advice.

Amendment 15, in clause 48, page 18, line 8, after “considers” insert

“having regard to the relevant development plan.”.

**Mr Goodwill:** I must confess that I feel like a queue-jumper, because I added my name and the Government’s support to new clause 19 and amendment 15 only last night. I will be brief, because I know that the hon. Member for Middlesbrough (Andy McDonald) will want to expand on them and to explain why his case was so convincing and compelling. It is another example of how our new railway will be delivered not only on a cross-party basis in this House, but with the support of the great cities of the midlands and the north.

I welcome new clause 19 on vocational qualifications. I strongly believe in the importance of ensuring that we utilise the opportunities that HS2 will create for skills and jobs, which is why we have invested in the National College for High Speed Rail. New clause 19 will further bolster the importance of delivering skills as part of the development of HS2. As such, the Government support it becoming part of the Bill.

**Sir Henry Bellingham** (North West Norfolk) (Con): I am grateful to the Minister for giving way, because I know that he needs to get on. Does he agree that it is important that the National Construction College and the Construction Industry Training Board are closely involved in this skills initiative?

**Mr Goodwill:** Indeed, I look forward to being in Doncaster soon with the right hon. Member for Doncaster Central (Dame Rosie Winterton), the Opposition Chief Whip, to cut the first sod in that project. It is important that we look at skills across the board. The college’s hub and spoke arrangement will enable other educational establishments to engage fully and will allow for other qualifications.

Similarly, I welcome amendment 15 from the Opposition. It relates to clause 48, the purpose of which is to ensure that the regeneration opportunities presented by HS2 are maximised in a timely manner. It is a backstop power and we expect that local authorities will lead such opportunities using their existing powers, but in the event that development is impeded we will have the ability to step in to ensure that development progresses. It is important that such development takes into account relevant development plans. I am grateful that the hon. Member for Nottingham South (Lilian Greenwood) tabled the amendment, and I urge all hon. and right hon. Members to support it.

Turning to the other proposed changes, my right hon. Friend the Member for Chesham and Amersham (Mrs Gillan) has proposed several new clauses and amendments. She has been a tireless advocate for her constituents affected by HS2. However, all her points have been considered before, at length, through the

Select Committee process, parliamentary debates, and the many parliamentary questions she has asked my Department. The process has delivered clear benefits to her constituency, including a 2.6 km tunnel extension, meaning that almost 86% of the route in her constituency is tunnelled, with the rest in a cutting. Her constituency has also benefited from the removal of an area of sustainable placement at Hunts Green and more noise barriers along that cutting. I acknowledge the points made but do not believe that new clauses 1 to 4 should be added to the Bill.

New clause 20 deals with the nationalisation of rail services, an area of ideological difference between the Government and the Opposition. I am therefore unlikely to convince them on it, and, I suspect, vice versa. It is clear to the Government that the franchising process delivers better services, better value for money and a better railway. Since privatisation, the rail industry has been transformed, with the number of passenger journeys more than doubling over the past 20 years. We believe this remains the right approach overall for Britain’s railway.

In any case, the new clause is unnecessary, as under the existing legislative framework it is possible for the state to operate rail services, as happened temporarily on the east coast main line. It is possible, and indeed quite likely, that the state might run HS2 initially, to prove certainty on operation and passenger numbers, but for the long-term successful future of HS2 a privately operated franchise is the best way forward.

**Jonathan Reynolds** (Stalybridge and Hyde) (Lab/Co-op): The Minister is giving a pretty fair assessment of how he sees this proceeding. The new clause provides for a permissive power, meaning that it would simply be available going forward. The proposal has been mirrored in previous legislation, such as that dealing with Crossrail, so what is the Government’s objection to a permissive clause of this kind?

**Mr Goodwill:** I thought I just said that this power is already available and therefore this is a superfluous new clause and we do not need it to give us these powers. I very much doubt Opposition Members will agree with my view that nationalisation of the railways is not the way forward, so stuck as they seem to be in the 1970s, but I hope I may have provided sufficient explanation as to why this power is not required.

We have given consideration to the other proposed new clauses and amendments. Although I understand the importance of some of the issues raised, I do not believe they belong in the Bill, as they have already been considered during the Select Committee process. To conclude, in order not to take up any more time than is necessary, I hope that right hon. and hon. Members will be able to support the inclusion of new clause 19 and amendment 15, but I urge them to not to press the other proposals, which I do not believe are required.

**Andy McDonald** (Middlesbrough) (Lab): I am pleased to be able to contribute to this important debate and play a part in this Bill’s progress. We fully appreciate the importance of this vital piece of infrastructure and the benefits it will bring to our country for generations to come. It is not common to find such consensus in this House, but I am pleased that both the Government and

the Opposition understand the need for this high-speed railway. HS2 was, of course, the brainchild of the previous Labour Government, but I readily acknowledge the work that the current Government have done in progressing the project. It is to be very much welcomed for the country that we have such consensus across the House on such important national infrastructure projects.

In that same vein, I shall discuss new clause 19, which stands in the name of the Minister, as well as in my name, those of some of his colleagues and that of my hon. Friend the Member for Nottingham South (Lilian Greenwood). It deals with vocational qualifications.

**Sir William Cash** (Stone) (Con): Just in case it might be thought that there is not still entrenched opposition to these proposals, may I say, speaking not only for myself but for many of my colleagues and for people in Staffordshire, where we get no benefit from this scheme at all, given the damage it is doing to our countryside, that I wish to register opposition to this in its entirety?

**Andy McDonald:** I think I used the word “consensus” not “unanimity”. I sincerely thank the Minister for his constructive approach to this issue and for adding his name to mine by way of support. There is agreement across the House that both jobs and skills are a core part of the case for HS2, and I note that the recent Shaw report calls for much deeper strategic engagement of trade unions across the rail industry. Accordingly, may I take this opportunity to congratulate the Minister and HS2 Ltd for their positive engagement with the TUC in securing an agreement to make sure that trade unions, HS2 and its suppliers work together to maximise HS2’s economic and labour market potential?

**John Redwood** (Wokingham) (Con): Is the hon. Gentleman at all worried about the possible job impact on the existing railway, because most of the passengers for this line are going to come from journeys that would otherwise have been made on existing trains? Presumably, there will therefore be a decline in fares, revenue and job opportunity on the existing railway.

**Andy McDonald:** The right hon. Gentleman misses the point: this is about having a positive impact on capacity issues. That is the singular and most important purpose of this development.

In the words of the magnificent Frances O’Grady:

“It is clear that trade union engagement is vital to ensuring that HS2 is delivered to time and to budget—and that it is delivered in a manner that reflects the best of socially responsible development.”

The agreement contains the commitment to pay the voluntary living wage—and the voluntary London living wage—and to offer a minimum number of apprenticeships and workforce skills development, among other things. The agreement is an excellent example of how industrial relations should be approached from the outset in projects of this magnitude, and indeed throughout the construction industry, and I hope that it can be the template for good practice throughout industry. The construction of such infrastructure projects places demands on a nation to provide the necessary skilled workforce, creating opportunities for people, and younger people in particular, to equip themselves with not just the vocational qualifications to assist in the construction of this railway,

but the tools necessary to forge careers that will be of benefit to both themselves and the nation long after the completion of HS2. Labour Members welcome the fact that, following on from the success of the Kings Cross construction skills centre, a National College for High Speed Rail will be located both in Birmingham and Doncaster, providing specialist vocational training to the next generation of engineers working on HS2 and beyond. We also welcome the fact that HS2 Ltd will provide £4.1 million towards a Euston construction skills centre.

**Andrew Bridgen** (North West Leicestershire) (Con): I, too, am sorry to break the cosy consensus of the two Front-Bench teams, who seem to be conspiring to spend possibly £100 billion of taxpayers’ money on what I believe to be a white elephant. Does the shadow Minister have no concern at all about supporting the Government on a major infrastructure project where the cost-benefit ratio is as low as £1.40 for every pound spent?

**Andy McDonald:** Let me clarify that this is not about a cosy consensus; it is about rigorous examination. There has been a forensic examination of this matter through a lengthy Select Committee and a Bill Committee. The hon. Gentleman is completely wrong about the cost-benefit ratio. The correct figure is 2.3:1.

**Andrew Bridgen** *rose*—

**Andy McDonald:** I have already given way and I must now make some progress.

The Government estimate that as many as 2,000 apprenticeship opportunities will be created by HS2, and there will be about 25,000 people employed during its construction. That is welcomed by Members from all parts of the House. Because of the importance of the creation of vocational qualifications in connection with HS2’s construction, we feel it is appropriate that Parliament is given proper oversight on progress in this regard. That is why we tabled new clause 19, which will impose a duty on the Secretary of State to prepare an annual report on vocational qualifications obtained in each financial year in connection with HS2 construction. It seems to us to be eminently sensible for the Secretary of State to report annually on the progress of the creation of vocational qualifications, and I am grateful that the Government have accepted that the new clause should be part of the Bill.

**Iain Stewart** (Milton Keynes South) (Con): I support the new clause. Will this annual report capture people gaining qualifications not only through HS2 Ltd and the key construction companies, but further up the supply chain?

**Andy McDonald:** The new clause is focused principally on HS2 Ltd, but the hon. Gentleman makes a very important point. I am sure the Minister and the Secretary of State are listening intently to him. The intention must be to embrace all those within the supply chain.

Amendment 15 would make a small change to clause 48. It simply seeks to insert a requirement that as and when the Secretary of State considers that there is an opportunity for regeneration or development, and land is to be acquired compulsorily for that purpose, regard be had

[*Andy McDonald*]

to the relevant development plans that obtain in respect of that particular location. I am grateful that such a modest and reasonable amendment finds favour with the Government.

New clause 21 deals with financial reports. It would impose a duty on the Secretary of State to prepare an annual report on expenditure in each financial year. Each report would contain details of any overspend or underspend against the budget for such expenditure for the year, as well as the likely effect on the total budget.

2.30 pm

Labour has been consistent in seeking to hold the Government to account on the cost of HS2, and this new clause would put greater transparency into the process and ensure that Parliament has proper oversight of expenditure. I am aware that expenditure under the Bill would also be reported as part of the Department's annual report and accounts, but it is our belief that a project with these costs and on the scale of HS2 warrants more detailed oversight of expenditure from Parliament.

Considering that much of the opposition to HS2 has been because of the cost of the project and concerns about ballooning prices, it would be prudent of the Government to allay some of those concerns by ensuring that parliamentarians and the public keep a keen eye on the cost of it. The Prime Minister has previously stated that sunlight is the best disinfectant, and if the Government would like such sentiments to be accepted as more than empty sloganeering then, hopefully, they will support this new clause, which introduces into the process a greater degree of transparency in expenditure.

New clause 20, on public sector operators, would disapply section 25 of the Railways Act 1993, allowing, but not requiring, phase 1 of HS2 passenger services to be run by the public sector. I hope that this does not affect the spirit of consensus and agreement. I am delighted that Labour is committed to the public ownership of the railways. Public opinion on that issue is clear: around two thirds of the public support the nation's railways being run by the public sector, with fewer than one in five opposing the policy. Public ownership is backed by people across the political spectrum—by Labour, Tory, Lib Dem and UK Independence party voters, although, unfortunately, it is not backed by the latter three parties in this place.

When one looks back at the history of rail privatisation and its impact on the commuting public, it is not difficult to understand why there is overwhelming public support for bringing railway services back into public ownership. Quite simply, the Tory privatisation of British Rail was a rushed, botched job that had more to do with ideology than any clear plan for the railways. The legacy that we have been left with is a fragmented, inefficient and expensive network.

**Sir Simon Burns** (Chelmsford) (Con) *rose*—

**Andy McDonald:** I will make some progress.

**Sir Simon Burns:** Come on!

**Andy McDonald:** No, I will crack on.

**Several hon. Members** *rose*—

**Andy McDonald:** I will give way in a moment.

According to the McNulty report, the fragmentation of our rail network has left us with an efficiency gap of between 30% and 40% compared with other European networks, which means that the money that should be used to address the cost of travel and to fund much needed investment is needlessly wasted.

**Sir Simon Burns:** I am very grateful to the hon. Gentleman for giving way. We had this litany from him, which was put just as eloquently, upstairs in Committee. I wish to ask him this: first, if the privatisation of the railways was such a disaster and disservice to the travelling public, why do we now have record levels of people using the railways; and, secondly, why did the last Labour Government not renationalise it during their 13 years in power?

**Andy McDonald:** I am happy to answer the right hon. Gentleman. It was because the last Labour Government put record investment into the railways and made it the safest railway in Europe. We were clearing up the mess of that botched privatisation of Railtrack, which cost people's lives. We made the network safe.

We have been left with a ticketing system that is the most expensive and confusing in Europe. Indeed, commuter fares are up by a quarter since 2010, having risen three times faster than wage growth. What the public clearly do not accept is that private and many foreign state-owned companies receive subsidies from the UK taxpayer and make significant profits at the expense of rail passengers.

**Karen Lumley** (Redditch) (Con): Will the hon. Gentleman give way on that?

**Andy McDonald:** I will carry on, because I know that people want to contribute to the debate.

In illustrating the benefits of publicly owned operators, one could hardly ask for a better example than the recent east coast main line. The last Labour Government took the important step of bringing that back into public operation after the private operator reneged on its obligations in 2009. East coast proved itself to be one of the most efficient operators, returning more than £1 billion to the taxpayer in premium payments as well as investing every penny of profit back into the service. In addition, fares were kept down in real terms in 2014 at a time when no privately run franchise took the same step. East coast had record passenger satisfaction and its engagement with the workforce was an unparalleled success.

**The Secretary of State for Transport (Mr Patrick McLoughlin):** I am sure that the shadow Minister will welcome the new service that will be starting from Middlesbrough as a result of the Virgin franchise, which will serve his constituents and provide new trains.

**Andy McDonald:** Of course I welcome it; it would be churlish not to. Why would I not welcome that? It does not mean that the system is right, or, for goodness' sake, that the trains are getting to the right places.

It is difficult to see how east coast's brilliant delivery for the taxpayer and for the commuter could be seen as



a failure, or in any way undesirable. It simply does not make any sense for the UK taxpayer to subsidise foreign state-owned companies so that citizens of Germany, Holland, France and elsewhere can enjoy cheaper and superior services.

Quite simply, the rejection of even the possibility of public ownership is driven by an outdated ideology and is totally out of kilter with the views of a large majority of the public—including many Conservative voters—which is why I am so pleased that Labour is committed to a publicly owned service that puts the passenger first rather than the profits of private or foreign state-owned companies, as is currently the case.

**John Redwood** *rose*—

**Andy McDonald:** No, I am going to move on.

We have heard the Prime Minister, the Chancellor, the Secretary of State for Transport and others speak in glowing terms about how High Speed 2, when completed, will be a proud national achievement, and I completely agree with that. The scale of the project, the amount of talent that will be utilised in its design and construction, and the dedication over the years ahead will be a mark of pride, and represent a proud feat of British engineering and ingenuity.

It is my contention that if we, as a nation, are good enough to build a world-class high-speed railway, then we are good enough to run it, too. From the initial privatisation to the Government's re-franchising of the east coast main line, Tory rail policy has always been far too focused on its "private good, public bad" ideology. However, new clause 20 would not require the sort of Damascene conversion that we witnessed from the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith) earlier this week. It asks only that the Government keep an open mind. New clause 20 would allow, but not require, High Speed 2 passenger services to be run in the public sector. A similar clause was part of the Crossrail Act 2008, leaving open the option to run passenger services in the public sector. Indeed, we have worded this new clause so that it is as similar as possible to section 26 of the 2008 Act.

May I remind the Minister and the House that the Conservative party did not reject the idea of at least keeping an open mind about who might be the best operator to run Crossrail—or the Elizabeth line—in future years, and it would be disappointing to see the Conservative party move from a position of pragmatism to one of sheer ideology. It would be talking Britain down to suggest that private companies and the state-owned rail companies of the Netherlands, France and Germany are able to run successfully passenger services on our railways, but we ourselves are not. I hope that the Government do not have such a pessimistic view of our capabilities as a nation and will vote in favour of new clause 20.

**Mrs Cheryl Gillan** (Chesham and Amersham) (Con): It was disheartening to hear the Minister dismiss my amendments in this group before hearing what I had to say, although I am grateful to him for acknowledging that over the past six years I have fought for my constituents and their rights and interests in the face of opposition from many people outside this House. My new clauses

in this group are practical and sensible and will, I think, assist my constituents and others up and down the line.

New clause 1 is about local authority finance. Local authorities the length of the HS2 route have received no extra help to support their work on this major infrastructure project. The burden on my two local councils, Buckinghamshire County Council and Chiltern District Council, has been enormous, but the new clause would also apply to other councils.

Buckinghamshire County Council is naturally concerned that without central Government intervention and help its costs will continue to escalate. If the last six years are anything to go by, they certainly will. The county council's outturn figure for 2015-16 is nearly £520,000 for costs relating to the legal petitioning process, engagement with HS2 Ltd and getting the best deal for Buckinghamshire residents. The council has just submitted the recharge to HS2 Ltd on the current memorandum of understanding and can recoup barely £10,000 for the last year. Why must taxpayers in Chesham and Amersham and elsewhere not only pay for this railway to be built, but pay again through their council tax for their local authorities to carry out inescapable pre and post-construction work for which they get very little help or none at all? Over the past six years, Chiltern District Council has spent nearly £1.18 million on complying with HS2 requirements—a huge amount for a district authority.

Councils have paid out literally millions in the past six years. The costs will only grow during the construction phase and there is no guarantee that local authorities will be fully recompensed. They would appreciate a clear, legally enforceable commitment from the Government that the extra burden will be recognised, particularly in the light of the local government finance settlement. My county, Buckinghamshire, was heavily affected by the settlement. It was only through myself and other Buckinghamshire MPs making very strong representations that we got some increased moneys for our local authorities. If accepted, new clause 1 would ensure security for our local authorities along the whole route where service agreements do not provide additional funding, received by the end of the year. The Minister should appreciate that I am asking for statutory and legally enforceable requirements because there is great distrust of the process so far. I think it is essential to enshrine the provision in statute, so that it is legally enforceable.

New clause 2 is designed to give statutory enforceability to the Department for Transport's intention to reimburse local authorities for highways repair costs consequential on the construction of HS2.

**Sir Henry Bellingham:** Is my right hon. Friend aware that the Select Committee pressed HS2 hard on reimbursement to highways authorities regarding damage to verges, culverts, drains, inspection covers and so on, and the company gave a very positive response? New clause 2 is a belt-and-braces provision. Does she agree that HS2 has already given quite firm commitments?

**Mrs Gillan:** I appreciate the work my hon. Friend did on the Select Committee. He is correct that there are undertakings, but they are not enforceable and I am afraid that HS2 does not have a good track record of either keeping good records and accurate information or of following through on its promises, hence my decision to table the new clauses. If HS2 is in good faith

[Mrs Gillan]

going to adhere to those undertakings, it should have no fear of their being put in the Bill. That is why I do not think it is unreasonable to expect the new clauses to be accepted.

**John Redwood:** My right hon. Friend might like to point out that there are 65 pages of road and footpath closures scheduled in the Bill and 67 pages of associated works to existing roads, railways and utilities. The work is massive in scale and, obviously, all those involved will need compensation.

**Mrs Gillan:** My right hon. Friend is absolutely correct. Perhaps that shows the scale of the battle that has been going on for six years, in which people are trying to defend their environment and locality or, if they cannot have the whole project cancelled, at least to get the best possible deal for their locality.

**Victoria Prentis (Banbury) (Con):** In my constituency, we have had significant problems in engaging with HS2—and not just me as the Member of Parliament; the county council and the district council have simply not had their letters answered. That gives us no assurance that HS2 will engage in a timely fashion with those who have to use the roads every day.

2.45 pm

**Mrs Gillan:** My hon. Friend makes a point that is entirely familiar to me and many other people along the line of the route. That is why I want these not unreasonable assurances to be put in the Bill.

**Mr Dominic Grieve (Beaconsfield) (Con):** It seems to me rather strange that the Government will not accept the amendments. The history of statutory undertakers doing work on highways shows without any difficulty the shoddy restoration that takes place afterwards. In this case, we are talking of a massive project involving many miles of roads that will require repair. My right hon. Friend may agree that the assurances being given ought to be reinforced by statutory powers.

**Mrs Gillan:** Any addition to my right hon. and learned Friend's point would be otiose. He is absolutely correct.

**Andrew Bridgen:** May I take my right hon. Friend back to the point about HS2 liaising with the public? Is she aware of the damning ombudsman's report that came out last night, which stated that HS2 regarded consultation as merely a box-ticking exercise?

**Mrs Gillan:** I drew the House's attention to that report in a point of order. The report is appended to today's debate, but of course there was no possibility of tabling amendments that referred to that report in an attempt to alter HS2's behaviour.

New clause 2 is designed to ensure that all local authorities are properly compensated for any damage to roads as a result of HS2 constructions. As others have confirmed, that vital safeguard should be added to the Bill. The Secretary of State, who is now in his place on the Front Bench, visited my constituency earlier this month and saw at first hand some of the problems that my constituents face. I am grateful for that visit. He also

saw the problems we have in Buckinghamshire with potholes. I am particularly concerned about the roads in and around Great Missenden. Quite by chance, my right hon. Friend witnessed maintenance works being carried out on those roads during his visit.

Buckinghamshire County Council highways authority estimates that it will spend about £7.5 million on pothole-related maintenance over the next five years. That figure takes no account of patching, resurfacing, drainage, road sweeping and other related costs. I believe that considerable additional costs will arise from the large number of heavy goods vehicles pounding their way up and down some of Buckinghamshire's fragile roads. Local authorities may well be reimbursed for reasonable costs, but what are reasonable costs? I want them to be reimbursed fully and I want that to be enshrined in statute, to make sure that the provision is both sufficient and justiciable.

New clause 3 is intended to increase the amounts allocated by the Department for Transport to the business and local economy fund and the community and environment fund from £30 million to £150 million. The £30 million originally announced for those funds to assist those affected by HS2 has been felt across the board to be meagre and insufficient, especially as the funding is intended to cover the entire route of phase 1. The Select Committee acknowledged the significant shortfall and the Government's response to its final report stated that the sum would be increased to £40 million. I contend that that is not enough. The impacts of the project will be long standing and severe for the environment, local authorities and communities. Through new clause 3, I propose that the funding be increased to £150 million to give those affected the compensation they deserve and to ensure that adverse effects are minimised.

**Sir William Cash:** Both of us have signed new clause 33 on compensation by reference to a property bond. I wanted to put that on the record. My right hon. Friend is doing a great job, and I do not want to take up the time of the House to refer to new clause 33, knowing that she agrees with me.

**Mrs Gillan:** I am grateful to my hon. Friend, and grateful for the support that I have received from colleagues across the piece.

On new clause 3, there is currently no information on how the funds will be divided, which areas will be prioritised or how the money could be spent. There is also no clarification of whether, for example, the funds to be allocated will include the moneys already allocated to the Colne valley. Will those come out of this funding envelope? There has been a suggestion that the money will be delivered locally through local enterprise partnerships, but that would be most unsuitable. In Buckinghamshire, for example, we have two overlapping LEPs. How would the money be administered? I think it should be kept separate from the LEPs and genuinely given to local groups so that they can decide how best to distribute the funds. I urge the Minister both to increase the funds and to provide further details on how they will be administered.

The last new clause to which I shall speak in this group is new clause 4, which deals with compensation. All the MPs who have constituencies along the route will know that compensation issues have caused great

worry and stress to our constituents, and many of the recommendations of the HS2 hybrid Bill Select Committee, although welcome, have yet to translate into changes to the schemes. The Select Committee's report in February 2016 stated that

“the Government said that it would work to implement a revised process for the valuation of properties for ‘Need to Sell’ that will allow more local valuers to be used”.

That review was promised for autumn last year, but we are still waiting.

The Department for Transport's response to the Select Committee report is silent on the valuation point, and although a response was promised before Third Reading, when I last looked I had not yet received that. I may be wrong—HS2 tends to slip out its documents just in time for debates, which I think is poor practice. In this case such poor practice is affecting people's lives. Implementing a fair valuation process for property owners who are receiving unacceptably low offers from HS2 is of paramount importance.

I still have a large number of constituents who have been negotiating with HS2 for months to get a fair price for their property, and I know from colleagues that it is a similar story up and down the route. I have been appalled at the treatment of individuals, who have had to employ expensive lawyers even to get timely and rational answers from those employed by HS2 or from HS2 itself. My colleagues and I have raised these points for years, yet there continues to be a litany of errors from HS2. There have been internal emails that are rude and disrespectful about constituents. The Public Administration and Constitutional Affairs Committee report published earlier today refers to the Parliamentary and Health Service Ombudsman report, which accused HS2 of being guilty of maladministration. I believe that that has characterised the way in which HS2 has dealt with people who have lost their houses, their businesses and their land.

**Victoria Prentis:** One of my greatest concerns about going forward without the Select Committee, which has been of enormous help to those of us whose constituents have been affected, is that there is nobody to help us mediate with HS2 Ltd and to encourage the company to respond to us in a timely fashion. There is no transparency about the way it does business. Does my right hon. Friend have any ideas to help us with this?

**Mrs Gillan:** The hon. Member for Middlesbrough (Andy McDonald) said today from the Opposition Dispatch Box that transparency would be the watchword for HS2. I agree with my hon. Friend—transparency has not been the watchword for HS2. Right from the beginning, when the Major Projects Authority's reports were withheld from this House and from the Select Committee that considered the Bill, there has been the reverse of transparency. That is what is so distressing about this project; it could have been handled so much better. It has let many people down.

Finally—I know that others want to speak—new clause 4 is designed to ensure that valuers with local knowledge are included on the HS2 panel, and that all compensation applications are responded to substantively within 10 weeks to avoid long periods of uncertainty for property owners on the route.

I started by saying that I was disappointed that the Minister dismissed my amendments before even hearing what I had to say today, so I am not expecting any positive response. But I have learned always to walk in hope, even on the impossible project of HS2, and I invite the Minister to accept my amendments today and add them to the Bill, thereby showing that he has the respect that I believe this House should have for the people whose lives are affected so drastically by HS2.

**Mrs Louise Ellman** (Liverpool, Riverside) (Lab/Co-op): High Speed 2 is extremely important and is necessary to expand capacity on a railway that is ever increasing in popularity. Where communities are adversely affected, they should be treated properly and there should be adequate compensation. The amount of that compensation is clearly a matter for judgment, and some of the amendments today address that.

It is exceedingly important, too, that the potential for jobs and economic development created by the building of High Speed 2 is maximised. That was one of the key points that the Transport Committee emphasised when we first looked at High Speed 2 back in 2011. We have published four reports on that since then. Back in 2011 the point considered in new clause 19 was emphasised. We supported High Speed 2 but highlighted the importance of maximising the job opportunities—jobs in the construction of the high-speed network or jobs opened up by economic development in the areas through which HS2 passes—and regional development. I am extremely pleased to see new clause 19 and pleased it has all-party support, because of the focus it puts on jobs.

**Michael Fabricant** (Lichfield) (Con): Does the hon. Lady agree that a link between Euston and St Pancras might offer an opportunity for jobs? My constituents thought they would be able to get on a train in Birmingham and end up in Paris, but instead they have to schlep across London with their heavy bags. Another possible link is one between Curzon Street and New Street, so that there might actually be a connected railway, which at present there is not.

**Mrs Ellman:** The hon. Gentleman makes some important points that are worthy of consideration. I believe the decision likely to be taken later this evening will be the beginning of a very important High Speed 2 network, which may well expand after more people see its benefits.

New clause 19 refers to the need to look at the qualifications achieved by people working on the construction of High Speed 2. I agree with that, but it should be extended a little to include the diversity of qualifications and employment opportunities that can be offered during construction—the wide range of skills that can be obtained and the potential to attract a wide range of people who could benefit. I hope the aims of the new clause can be extended, if not in words tonight, then in the way it is implemented. I am particularly pleased to see the plans for the skills college at both Birmingham and Doncaster, and I hope they can be extended.

It is important, and it is implicit in some of the amendments, that economic development in the areas and regions through which High Speed 2 passes is maximised, working with the local enterprise partnerships,

[Mrs Ellman]

local authorities and business. It should not be just the stations through which High Speed 2 passes that benefit, but the surrounding region.

I also support the proposals to monitor expenditure on High Speed 2, because it is important that the scheme is kept within budget: over £50 billion is a lot of money, even over 20 years.

3 pm

People have become unduly focused on the current benefit-cost ratio, which is calculated very specifically. Indeed, looking at the overall network and the wider economic benefits, that ratio is likely to expand to at least 2.3:1, but it is calculated rather restrictively. Under current regulations, the benefit can be calculated for only 67 years, and an assumption is made that the number of passengers on the line will increase by 2.2% annually and then stop in 2036, which is most unlikely. I think it is very likely that the benefit-cost ratio will increase.

We all need to have some vision in looking at what is required for the future. We need more capacity on the very popular and important railway, an essential part of public transport, bringing job opportunities—for example, in construction—and economic development to the regions and not just around the stations. For those reasons, I support a number of the amendments proposed today.

**Several hon. Members** *rose*—

**Madam Deputy Speaker (Mrs Eleanor Laing):** Order. I trust that hon. Members will now be very brief, because we have only 15 minutes left for this part of the debate.

**Mr Grieve:** Thank you, Madam Deputy Speaker; I shall be brief.

It is a pleasure to follow the hon. Member for Liverpool, Riverside (Mrs Ellman). I am mindful of the fact that, in promoting this scheme, the Government can make a powerful and perfectly rational case. Indeed, the hon. Lady highlighted some of the points that have been raised. The difficulty that I have, as a constituency MP directly affected by the scheme, is that throughout the whole process of engagement between HS2 and my constituents, HS2's behaviour towards my constituents has consistently been wanting, both in sensitivity and in its levels of engagement. I have to say that the way in which HS2's management has dealt with perfectly reasonable objections from people who are very anxious about the future of their communities has led me to be deeply anxious about how this will actually work out in practice.

My right hon. Friend the Member for Chesham and Amersham (Mrs Gillan), in presenting this batch of amendments, has highlighted some key areas where the Government, by providing some greater reassurance, could go a considerable way towards not satisfying everybody—inevitably some people will remain dissatisfied with the proposals—but providing them with reassurance that some of their worst fears about how this will pan out in practice are misplaced. For example, there has been considerable concern about the way in which compensation is calculated. There have been arguments about failure to take account of local features.

**Geoffrey Clifton-Brown (The Cotswolds) (Con):** I thank my right hon. and learned Friend for giving way on that point; I intervene because I had wanted to speak on this new clause but now will not have time. We heard cases in the Select Committee where it was quite clear that the lack of local valuers is doing an injustice to the people whose homes are being acquired. Does he agree that the Government must put that injustice right? The Select Committee made very strong recommendations about that aspect. This injustice must be put right.

**Mr Grieve:** I am so grateful to my hon. Friend. Yes, these are precisely the areas where Government intervention would be valuable. I urge my right hon. and hon. Friends on the Front Bench, even at this late hour, to give this careful consideration.

There is a similar story on the relationship with local authorities. Most of our local authorities, like all local authorities in this country, given the difficult conditions resulting from the continuing economic problems besetting our planet, are short of money to carry out important local projects. Therefore, the prospect of having their infrastructure ripped up during the construction process is inevitably a subject of legitimate concern to them. There is no proper reason why they and the local council tax payer should have to bear the end cost, of any description, on this project going ahead. Here again is an opportunity for my right hon. and hon. Friends on the Front Bench to beef this up and provide the necessary tools to ensure that HS2 honours these commitments.

I am no position to speak to HS2, and I do not understand why it has been so deficient in its approach to dealing with local communities, but that is the reality. I note from the Public Administration Committee's most recent report that HS2 says that it has learnt its lessons and will do things differently in future. I very much hope that is the case, but until I actually see it with my own eyes and witness it from the comments of my constituents, I have reason to continue to doubt that that will in fact happen. That is all the more reason why these amendments, which are straightforward and should not add to HS2's costs, or indeed to the burden of carrying out the project, ought to be accepted.

**Dr Rupa Huq (Ealing Central and Acton) (Lab):** I rise to support new clauses 26 and 32. Paradoxically, I agree with most of what has been said today, because I do think that it is possible to be pro-infrastructure investment, pro-progress and pro-brand new trains. I am pro the concept of high-speed rail, but I am not pro-HS2 Ltd and, as the right hon. and learned Member for Beaconsfield (Mr Grieve) said, the rather cavalier way it operates. In the Select Committee its QC called my residents tedious, which I thought showed complete contempt for them.

New clause 26 is about protecting vulnerable businesses and the time given for relocation. I have spoken to some of the businesses in the Park Royal area of my constituency. The businesses there are quite mixed. Many of them deal with food preparation—for example, supplying olives to restaurants in the west end—and need to be close to the A40, which is a vital artery. They are family businesses. They have been told that when it happens they will be given three months to relocate. They have a

combined turnover in the millions. They are all extremely concerned that they will be forced to close because three months is not enough time for them to start again.

I spoke with a prop hire company. It occupies thousands of square feet of warehouse space, with antiques and big fat televisions behind wooden veneer cabinets. It supplies props for films such as “Star Wars”. It would find it very difficult to find alternative premises quickly. Those companies would also like an assurance of 100% compensation for their sites, not the 90% on offer.

The Conservative party is the party of business, surely. It is the party of small and medium-sized enterprises. *[Interruption.]* I think this new clause has genuine cross-party support, judging by the Members who have signed it. It is deeply worrying that those firms are being forced to move towards what is called extinguishment, because apparently their balance sheets do not show enough turnover, so HS2 considered their financial value to be too small to warrant relocation. That is a slap in the face and an insult to hard-working, small family businesses.

**Andy Slaughter** (Hammersmith) (Lab): My hon. Friend is doing a brilliant job of representing her constituents, as she always does. Does she agree—I think this is the purpose of her new clauses—that it is often the businesses in urban areas that are the most fragile and therefore the worst affected, but the levels of compensation and concern shown to them is the worst on offer—*[Interruption.]*

**Madam Deputy Speaker (Mrs Eleanor Laing)**: Order. We do not have time for long interventions.

**Dr Huq**: My hon. Friend puts it very well. He anticipates my new clause 32, which is about the fairness of the rural support zone. I know the constituency of the right hon. Member for Chesham and Amersham (Mrs Gillan) well, because she and I were on the same ballot paper in 2005. She represents a rural constituency, but the urban and suburban constituencies, such as mine and that of my hon. Friend the Member for Hammersmith (Andy Slaughter), are not treated the same as rural support zones. I believe that needs to be looked at.

One house in my constituency has a zero valuation—you could not make this up. Someone wanted to re-mortgage a house in Wells House Road, and the mortgage valuer came up with zero. That would not happen elsewhere. For the sake of fairness, that should be looked at. There seems to be a wrong assumption—*[Interruption.]* Madam Deputy Speaker, I am aware that there is about to be a vote, so I will say my last sentence. We should not accept that suburban or urban dwellers should simply put up with it. I urge Members to support my two new clauses.

**Craig Tracey** (North Warwickshire) (Con): I rise to speak to the new clauses in my name and to put the case of my constituents in North Warwickshire, which is arguably the most blighted part of the HS2 route, outside of London.

I would like to use the short time available to make a final case to the Government to adopt vital protections for local communities such as Kingsbury, Water Orton, Coleshill, Middleton, Lea Marston and Wishaw. Those protections are set out in my three new clauses, as well as in provisions tabled by other right hon. and hon. Members, which I have co-signed.

A recurring theme my constituents have faced is the lack of engagement from HS2 Ltd during the process to date. Many of the questions that have been asked of the company remain unanswered, and its credibility locally is in tatters. Those affected by HS2 have little confidence that communication will get better during the construction stage; indeed, unsurprisingly, the fear is that, should the Bill be approved by the House, communication will get worse.

That is why I seek greater protection for North Warwickshire residents. As a result of the impact on our area, we have been given an assurance by HS2 that we are a special case. Sadly, despite numerous requests, the company has neglected to advise us what that protection actually is, what the benefits are or even what it covers. After what my constituents have had to endure over the last six years, they deserve better. They deserve some kind of certainty and an acknowledgment that HS2 and the Government are sympathetic to their case.

That is why I have introduced new clause 30, which would set up a community fund to protect local communities from the unintended consequences that could arise in the construction phase. The fund would supplement the community and environment fund, and it would address the adverse impacts of HS2’s construction on communities in terms of things such as impaired accessibility, the reduction in the availability of community amenities and the physical effects of construction.

A principal objective of the fund will be to remove the need for formal compensation claims and to provide an expedited means of claiming funding for detriment. The fund would be available only to address adverse effects on communities, not impacts on individual households, businesses or undertakings. However, among the things that may be considered as eligible for funding would be transport facilities such as shuttle services.

As I have stated, the Kingsbury area and the surrounding villages are clearly a special case in the context of the HS2 scheme, and there can be no argument about that. Engagement with our community needs to address the requirements that come with that special place, and my other new clauses address the current lack of communication, including in terms of referral, escalation and monitoring. Crucially, they seek to ensure that local people’s complaints are resolved in a timely manner.

We will hear further arguments later today in the Chamber about HS2’s environmental impact, and it is hard to imagine the change to the landscape that the railhead in Kingsbury will bring, but my constituents will be forced to live with that change.

I urge the Secretary of State to consider my proposed changes to the Bill and those of other right hon. and hon. Members, which I have supported in the interests of our constituents. Our proposals offer common-sense initiatives to support, and offer mitigation to, those people along the proposed line who need it most.

**Jonathan Edwards** (Carmarthen East and Dinefwr) (PC): I did have a very detailed speech on this important issue for Wales, but I am afraid that time will defeat me, so I will be as quick as possible.

Ministers will know of my long-standing concerns about the Barnett classification of HS2. The Plaid Cymru position has always been that this is an England-only railway. All the destinations on the map are clearly in

[Jonathan Edwards]

England. The position of the UK Government has always been that this is a UK-Government railway scheme. However, when it came to the statement of funding policy document that accompanied the comprehensive spending review, the railway is an England and Wales railway, because Scotland and Northern Ireland had a 100% Barnett rating for HS2, while Wales had 0% rating.

The impact of that, in a project that may well cost more than £80 billion over the next 20 years, will be severe for my country—in terms of not only HS2, but the precedent set for HS3, Crossrail 2 and the Sheffield-to-Manchester subterranean road. These are massive multibillion-pound projects, and Wales is losing out.

This is an issue of fairness, and unless the Minister says on Third Reading that he will address the issues I have raised in my new clause, my colleagues and I will vote against the Government on Third Reading.

**Alan Brown** (Kilmarnock and Loudoun) (SNP): I will be brief. The SNP welcomes this investment. Although, as has been said, the initial roll-out of the route is in England only, we see the benefits that this can bring to Scotland, and we welcome the aspiration for a sub-three-hour journey time to Glasgow and Edinburgh. I welcome the fact that the Minister says trains will run to Scotland on day one.

On the back of the comments by the hon. Member for Carmarthen East and Dinefwr (Jonathan Edwards) about Barnett, I would ask the Secretary of State to consider the wider issue of Barnett consequential and the estimates process. There needs to be more clarity on that, but I welcome the investment in HS2.

*Question put and agreed to.*

*New clause 19 accordingly read a Second time, and added to the Bill.*

### New Clause 20

#### PUBLIC SECTOR OPERATORS

(1) Section 25 of the Railways Act 1993 (c. 43) (public-sector operators not to be franchisees) does not apply in relation to the franchisee in respect of a franchise agreement—

- (a) which relates wholly or mainly to the provision of one or more Phase One of High Speed 2 passenger services, or
- (b) which relates wholly or mainly to the provision of one or more other services for the carriage of passengers by railway where—
  - (i) the services run wholly or partly on the route of Phase One of High Speed 2, and
  - (ii) the services are likely to be subject to substantial disruption because of the construction of Phase One of High Speed 2.

(2) The following may in particular be taken into account in determining whether, for the purposes of subsection (1)(b), services are likely to be subject to substantial disruption—

- (a) the frequency with which the services are likely to be disrupted,
- (b) the duration of the period in which the services are likely to be disrupted (and, in particular, its duration relative to the length of the franchise term),
- (c) the severity of any likely disruption.

(3) In this section—

“franchisee”, “franchise agreement” and “franchise term” have the meanings given by section 23 of the Railways Act 1993 (designated passenger services to be provided under franchise agreements).”—(*Andy McDonald.*)

*Brought up, and read the First time.*

*Question put, That the clause be read a Second time.*

*The House divided: Ayes 184, Noes 273.*

### Division No. 228]

[3.15 pm

#### AYES

Abrahams, Debbie	Fitzpatrick, Jim
Alexander, Heidi	Fletcher, Colleen
Ali, Rushanara	Flint, rh Caroline
Anderson, Mr David	Flynn, Paul
Ashworth, Jonathan	Fovargue, Yvonne
Barron, rh Kevin	Gardiner, Barry
Beckett, rh Margaret	Glass, Pat
Benn, rh Hilary	Glindon, Mary
Berger, Luciana	Green, Kate
Blackman-Woods, Dr Roberta	Greenwood, Lilian
Blenkinsop, Tom	Greenwood, Margaret
Blomfield, Paul	Griffith, Nia
Bradshaw, rh Mr Ben	Hamilton, Fabian
Brake, rh Tom	Harris, Carolyn
Brennan, Kevin	Hayes, Helen
Brown, Lyn	Hayman, Sue
Brown, rh Mr Nicholas	Hepburn, Mr Stephen
Buck, Ms Karen	Hillier, Meg
Burden, Richard	Hodgson, Mrs Sharon
Burgon, Richard	Hoey, Kate
Butler, Dawn	Hopkins, Kelvin
Byrne, rh Liam	Howarth, rh Mr George
Cadbury, Ruth	Hunt, Tristram
Campbell, rh Mr Alan	Huq, Dr Rupa
Campbell, Mr Ronnie	Hussain, Imran
Champion, Sarah	Jarvis, Dan
Chapman, Jenny	Johnson, rh Alan
Clwyd, rh Ann	Jones, Gerald
Coaker, Vernon	Jones, Susan Elan
Coffey, Ann	Keeley, Barbara
Cooper, Julie	Kendall, Liz
Cooper, rh Yvette	Kinnock, Stephen
Corbyn, rh Jeremy	Kyle, Peter
Cox, Jo	Lamb, rh Norman
Coyle, Neil	Lavery, Ian
Creagh, Mary	Leslie, Chris
Creasy, Stella	Lewell-Buck, Mrs Emma
Cruddas, Jon	Lewis, Clive
Cryer, John	Long Bailey, Rebecca
Cummins, Judith	Lucas, Caroline
Cunningham, Alex	Lucas, Ian C.
Cunningham, Mr Jim	Mactaggart, rh Fiona
Dakin, Nic	Madders, Justin
Danczuk, Simon	Mahmood, Shabana
Davies, Geraint	Malhotra, Seema
De Piero, Gloria	Mann, John
Doughty, Stephen	Marris, Rob
Dowd, Jim	Marsden, Mr Gordon
Dowd, Peter	Maskell, Rachael
Dromey, Jack	Matheson, Christian
Eagle, Ms Angela	McCabe, Steve
Eagle, Maria	McCarthy, Kerry
Edwards, Jonathan	McDonald, Andy
Efford, Clive	McDonnell, Dr Alasdair
Elliott, Julie	McDonnell, John
Ellman, Mrs Louise	McFadden, rh Mr Pat
Evans, Chris	McGinn, Conor
Farrelly, Paul	McGovern, Alison

McInnes, Liz  
 Meale, Sir Alan  
 Mearns, Ian  
 Moon, Mrs Madeleine  
 Morden, Jessica  
 Morris, Grahame M.  
 Mulholland, Greg  
 Nandy, Lisa  
 Onn, Melanie  
 Onwurah, Chi  
 Osamor, Kate  
 Owen, Albert  
 Pearce, Teresa  
 Pennycook, Matthew  
 Phillips, Jess  
 Powell, Lucy  
 Pugh, John  
 Qureshi, Yasmin  
 Rayner, Angela  
 Reed, Mr Jamie  
 Reed, Mr Steve  
 Rees, Christina  
 Reeves, Rachel  
 Reynolds, Emma  
 Reynolds, Jonathan  
 Rimmer, Marie  
 Ritchie, Ms Margaret  
 Robinson, Mr Geoffrey  
 Saville Roberts, Liz  
 Sharma, Mr Virendra  
 Sheerman, Mr Barry  
 Sherriff, Paula  
 Shuker, Mr Gavin  
 Siddiq, Tulip  
 Skinner, Mr Dennis  
 Slaughter, Andy

Smeeth, Ruth  
 Smith, rh Mr Andrew  
 Smith, Angela  
 Smith, Cat  
 Smith, Nick  
 Smyth, Karin  
 Starmer, Keir  
 Stevens, Jo  
 Streeting, Wes  
 Stringer, Graham  
 Tami, Mark  
 Thomas, Mr Gareth  
 Thomas-Symonds, Nick  
 Thornberry, Emily  
 Timms, rh Stephen  
 Trickett, Jon  
 Turley, Anna  
 Twigg, Derek  
 Twigg, Stephen  
 Umunna, Mr Chuka  
 Vaz, rh Keith  
 Vaz, Valerie  
 West, Catherine  
 Whitehead, Dr Alan  
 Williams, Hywel  
 Williams, Mr Mark  
 Wilson, Phil  
 Winnick, Mr David  
 Winterton, rh Dame Rosie  
 Woodcock, John  
 Wright, Mr Iain  
 Zeichner, Daniel

**Tellers for the Ayes:**  
**Vicky Foxcroft and**  
**Jeff Smith**

#### NOES

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  
 Barwell, Gavin  
 Bebb, Guto  
 Benyon, Richard  
 Beresford, Sir Paul  
 Berry, Jake  
 Bingham, Andrew  
 Blackman, Bob  
 Blunt, Crispin  
 Boles, Nick  
 Bone, Mr Peter  
 Borwick, Victoria  
 Bradley, Karen  
 Brady, Mr Graham  
 Brazier, Mr Julian  
 Bridgen, Andrew  
 Brine, Steve  
 Brokenshire, rh James  
 Buckland, Robert  
 Burns, Conor  
 Burns, rh Sir Simon  
 Burt, rh Alistair

Cairns, Alun  
 Carmichael, Neil  
 Carswell, Mr Douglas  
 Cartledge, James  
 Cash, Sir William  
 Caulfield, Maria  
 Chalk, Alex  
 Chishty, Rehman  
 Churchill, Jo  
 Clark, rh Greg  
 Cleverly, James  
 Clifton-Brown, Geoffrey  
 Coffey, Dr Thérèse  
 Collins, Damian  
 Colville, Oliver  
 Costa, Alberto  
 Crabb, rh Stephen  
 Davies, Byron  
 Davies, Chris  
 Davies, David T. C.  
 Davies, Glyn  
 Davies, Dr James  
 Davies, Mims  
 Davies, Philip  
 Dinenage, Caroline  
 Djanogly, Mr Jonathan  
 Dodds, rh Mr Nigel  
 Donaldson, rh Mr Jeffrey M.  
 Double, Steve  
 Dowden, Oliver  
 Doyle-Price, Jackie  
 Drummond, Mrs Flick  
 Duddridge, James

Duncan Smith, rh Mr Iain  
 Dunne, Mr Philip  
 Elliott, Tom  
 Ellis, Michael  
 Ellison, Jane  
 Elphicke, Charlie  
 Eustice, George  
 Evans, Graham  
 Evennett, rh Mr David  
 Fabricant, Michael  
 Fernandes, Suella  
 Field, rh Mark  
 Foster, Kevin  
 Francois, rh Mr Mark  
 Frazer, Lucy  
 Freeman, George  
 Freer, Mike  
 Fuller, Richard  
 Fysh, Marcus  
 Gale, Sir Roger  
 Garnier, rh Sir Edward  
 Garnier, Mark  
 Gauke, Mr David  
 Ghani, Nusrat  
 Gibb, Mr Nick  
 Gillan, rh Mrs Cheryl  
 Glen, John  
 Goodwill, Mr Robert  
 Gove, rh Michael  
 Graham, Richard  
 Grant, Mrs Helen  
 Grayling, rh Chris  
 Green, Chris  
 Green, rh Damian  
 Greening, rh Justine  
 Grieve, rh Mr Dominic  
 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  
 Haselhurst, rh Sir Alan  
 Hayes, rh Mr John  
 Heald, Sir Oliver  
 Heapey, James  
 Heaton-Jones, Peter  
 Henderson, Gordon  
 Herbert, rh Nick  
 Hermon, Lady  
 Hinds, Damian  
 Hoare, Simon  
 Hollinrake, Kevin  
 Hollobone, Mr Philip  
 Holloway, Mr Adam  
 Hopkins, Kris  
 Howarth, Sir Gerald  
 Howell, John  
 Howlett, Ben  
 Huddleston, Nigel  
 Hunt, rh Mr Jeremy  
 Jackson, Mr Stewart  
 James, Margot  
 Javid, rh Sajid  
 Jayawardena, Mr Ranil  
 Jenkin, Mr Bernard

Jenkyns, Andrea  
 Jenrick, Robert  
 Johnson, Gareth  
 Johnson, Joseph  
 Jones, Andrew  
 Jones, rh Mr David  
 Jones, Mr Marcus  
 Kawczynski, Daniel  
 Kennedy, Seema  
 Kinahan, Danny  
 Kirby, Simon  
 Knight, rh Sir Greg  
 Knight, Julian  
 Kwarteng, Kwasi  
 Lancaster, Mark  
 Latham, Pauline  
 Lefroy, Jeremy  
 Leigh, Sir Edward  
 Leslie, Charlotte  
 Letwin, rh Mr Oliver  
 Lewis, Brandon  
 Lilley, rh Mr Peter  
 Loughton, Tim  
 Lumley, Karen  
 Mackinlay, Craig  
 Mackintosh, David  
 Main, Mrs Anne  
 Malthouse, Kit  
 Mann, Scott  
 Mathias, Dr Tania  
 May, rh Mrs Theresa  
 Maynard, Paul  
 McCartney, Jason  
 McCartney, Karl  
 McLoughlin, rh Mr Patrick  
 Menzies, Mark  
 Mercer, Johnny  
 Merriman, Huw  
 Metcalfe, Stephen  
 Mills, Nigel  
 Milton, rh Anne  
 Mordaunt, Penny  
 Morgan, rh Nicky  
 Morris, Anne Marie  
 Morris, David  
 Morris, James  
 Morton, Wendy  
 Mowat, David  
 Mundell, rh David  
 Murray, Mrs Sheryll  
 Murrison, Dr Andrew  
 Neill, Robert  
 Newton, Sarah  
 Nokes, Caroline  
 Nuttall, Mr David  
 Offord, Dr Matthew  
 Osborne, rh Mr George  
 Parish, Neil  
 Patel, rh Priti  
 Penrose, John  
 Perry, Claire  
 Philp, Chris  
 Poulter, Dr Daniel  
 Pow, Rebecca  
 Prentis, Victoria  
 Prisk, Mr Mark  
 Pursglove, Tom  
 Quince, Will  
 Raab, Mr Dominic  
 Redwood, rh John  
 Rees-Mogg, Mr Jacob  
 Robertson, Mr Laurence

Robinson, Mary	Tomlinson, Justin
Rosindell, Andrew	Tomlinson, Michael
Rudd, rh Amber	Tracey, Craig
Rutley, David	Tredinnick, David
Scully, Paul	Tevelyan, Mrs Anne-Marie
Selous, Andrew	Tugendhat, Tom
Shannon, Jim	Turner, Mr Andrew
Shapps, rh Grant	Tyrie, rh Mr Andrew
Sharma, Alok	Vaizey, Mr Edward
Simpson, rh Mr Keith	Vara, Mr Shailesh
Smith, Chloe	Vickers, Martin
Smith, Henry	Walker, Mr Charles
Smith, Julian	Walker, Mr Robin
Smith, Royston	Wallace, Mr Ben
Soames, rh Sir Nicholas	Warburton, David
Solloway, Amanda	Warman, Matt
Soubry, rh Anna	Watkinson, Dame Angela
Spelman, rh Mrs Caroline	Wharton, James
Spencer, Mark	Whately, Helen
Stephenson, Andrew	White, Chris
Stevenson, John	Whittaker, Craig
Stewart, Iain	Whittingdale, rh Mr John
Streeter, Mr Gary	Wiggin, Bill
Stride, Mel	Williams, Craig
Stuart, Graham	Williamson, rh Gavin
Sturdy, Julian	Wilson, Mr Rob
Sunak, Rishi	Wollaston, Dr Sarah
Swayne, rh Mr Desmond	Wood, Mike
Swire, rh Mr Hugo	Wragg, William
Thomas, Derek	Zahawi, Nadhim
Throup, Maggie	<b>Tellers for the Noes:</b>
Timpson, Edward	<b>Guy Opperman and</b>
Tolhurst, Kelly	<b>George Hollingbery</b>

*Question accordingly negated.*

3.28 pm

*More than one hour having elapsed since the commencement of proceedings on consideration, the proceedings were interrupted (Programme Order, 22 March).*

*The Deputy Speaker put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E).*

### Clause 48

#### COMPULSORY ACQUISITION OF LAND FOR REGENERATION OR RELOCATION

*Amendment made:* 15, in clause 48, page 18, line 8, after “considers” insert

“having regard to the relevant development plan,”—(*Mr Goodwill.*)

### New Clause 6

#### CHILTERN AONB REVIEW GROUP

“(1) A Chilterns Area of Outstanding Natural Beauty Review Group shall be established.

(2) The members of the group shall include Buckinghamshire County Council, Chilterns District Council, Wycombe District Council, Aylesbury Vale District Council, the Chilterns Conservation Board, Natural England, key community groups and the nominated undertaker.

(3) The purpose of the group shall be to identify measures for environmental enhancement in the Chilterns to mitigate against the impact of HS2 railway construction.

(4) The group shall elect a Chair, who shall not be an employee of the nominated undertaker.

(5) The group shall receive such funds from the Secretary of State as it considers necessary to perform its functions expeditiously and efficiently.

(6) The group shall make a twice yearly report with recommendations.

(7) In the event that the Secretary of State does not accept any recommendation of the group, they shall make a statement to the House within three months of the date of the report, indicating reasons.”—(*Mrs Gillan.*)

*This new clause is intended to give statutory backing to the establishment and powers of the Chilterns AONB Review Group.*

*Brought up, and read the First time.*

**Mrs Gillan:** I beg to move, That the clause be read a Second time.

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

*New clause 7—Obligation to plant trees—*

“(1) The nominated undertaker must publish plans to plant the Referenced Trees within the Construction Period and make arrangements for their maintenance for a period of 10 years from the commencement of services on Phase 1 of HS2.

(2) The nominated undertaker must provide an annual report to Parliament which shall specify—

- the progress made on planting of the Referenced Trees,
- the number and species of trees planted since the publication of the previous report,
- the position of the trees, groups of trees or woodlands, as the case may be, by reference to a map,
- the adequacy of arrangements to manage Referenced Trees which have been planted previously.

(3) In subsections (1) and (2) “Referenced Trees” shall mean the trees planted to meet the commitment of two million additional trees to be situated adjacent to Phase 1 of HS2 as set out in the environmental statement referenced in Clause 66(4). In subsection (1) Construction Period shall mean the period between commencement of the Scheduled Works and the commencement of operational service on Phase One of High Speed 2.”

*New clause 8—Office of the HS2 Adjudicator—*

“(1) There is to be a body corporate known as the Office of the HS2 Adjudicator hereinafter referred to as “the Adjudicator”.

(2) Schedule [*Adjudicator: status and funding*] (which makes further provision about the Adjudicator) shall have effect.

(3) The Adjudicator has the functions conferred on it by or under any enactment.

(4) Those functions include—

- enforced functions
- inspection functions,
- information functions.

(5) The main objective of the Adjudicator in performing its functions is to protect the natural environment and communities impacted by the construction and operation of Phase 1 of High Speed 2.

(6) The Adjudicator is to perform its functions for the general purpose of securing—

- the minimisation of adverse impacts on communities and the natural environment situated in locations affected by the construction or operation of Phase 1 of HS2,
- the provision of additional mitigation measures in the event the environmental impacts of the operation of HS2 are worse than as set out in the environmental statement prepared in accordance with section 66(4).”

*New clause 9—Matters to which the Adjudicator must have regard—*



“(1) In performing its functions the Adjudicator must have regard to—

- (a) the views expressed by or on behalf of the members of the public or organisations about the environmental impacts of constructing Phase One of HS2,
- (b) the views expressed by people affected by the construction and operation of Phase One of HS2,
- (c) the views expressed by local authorities about the impact of constructing and operating Phase One of HS2 in their areas,
- (d) the need to protect the natural environment and minimise environmental impacts arising from the construction and operation of Phase One of HS2,
- (e) the need to ensure that any action by the Adjudicator in relation to its areas of responsibility is proportionate to the risks against which it would afford safeguards and is targeted only where it is needed,
- (f) any developments in approaches to monitoring and mitigating environmental impacts arising from the construction or operation of Phase One of HS2,
- (g) best practice among persons performing functions comparable to those of the Adjudicator (including the principles under which regulatory action should be transparent, accountable and consistent).

(2) In performing its functions the Adjudicator must also have regard to such aspects of government policy as the Secretary of State may direct.”

*New clause 10—Statement on stakeholder involvement—*

“(1) The Adjudicator must publish a statement describing how it proposes to—

- (a) discharge its oversight requirements to ensure environmental outcomes reflect the forecasts set out in the environmental statement referenced in section 66(4),
- (b) promote engagement and discussion with the nominated undertaker and impacted communities concerning adequate levels of mitigation,
- (c) ensure that proper regard is had to views expressed by non-government organisations and local authorities concerning the environmental impacts arising from the construction and operation of Phase One of High Speed 2,
- (d) arrange for accurate regular reporting of environmental impacts arising from the construction of the scheduled works and operation of Phase One of High Speed 2.

(2) The Adjudicator may from time to time revise the statement and must publish any revised statement.

(3) Before publishing the statement (or any revised) statement the Adjudicator must consult such persons it considers appropriate.”

*New clause 11—Compliance with requirements—*

“(1) The Adjudicator will keep under review compliance by HS2 Ltd, the nominated undertaker and its contractors with the standards detailed in the environmental statement, Environmental Minimum Requirements and the Code of Construction Practice and the assurances and undertakings provided by the Secretary of State on HS2 and Information Papers prepared by HS2 Ltd (collectively the “environmental documents”).

(2) If it appears to the Adjudicator that any person has failed or is likely to fail to comply with any requirements for which he is responsible set out in the environmental documents relating to the construction or operation of Phase One of High Speed 2, the Adjudicator (hereinafter referred to in this section as the “relevant requirements”) may address to that person an enforcement notice.

(3) An enforcement notice comes into effect 36 hours after it is published on the website of the Adjudicator.

(4) The Adjudicator must also transmit an electronic version to HS2 Ltd, any nominated undertaker or contractor to the aforementioned, or local authority who has supplied to the Adjudicator an email address for this purpose.

(5) An enforcement notice must also be placed on a hard copy register maintained at such a location as the Adjudicator may determine.

(6) An enforcement notice is a notice in writing—

- (a) specifying the matters which appears to the Adjudicator to constitute a failure to comply with the relevant requirements set out in the environmental documents, and
- (b) prohibiting the recurrence or occurrence of those matters and requiring the person to whom it is addressed to carry out any specified works or take any steps which the Adjudicator considers necessary to ensure compliance with the relevant requirements detailed in the environmental documents.

(7) Where any person suffers loss or damage as a result of any matter specified in an enforcement notice, whether that loss or damage occurs before or after the service of the enforcement notice, he may recover damages for that loss or damage in a civil court from the person on whom the enforcement notice was served

(8) It shall be a defence to any claim under subsection (7) above to prove that the matters alleged to constitute non compliance have not occurred or that they do not constitute non compliance with the relevant requirements

(9) If any person fails to comply with the requirements of an enforcement notice he shall be guilty of an offence.

(10) A person guilty of an offence under this section shall be punishable on summary conviction by a fine not exceeding £20,000 and on conviction on indictment to a fine.

(11) It shall be a defence to any criminal proceedings under subsection (9) claim to prove that—

- (a) the matters alleged to constitute non compliance have not occurred,
- (b) that they do not constitute non compliance with the relevant requirements or that any required works or steps were not necessary to achieve compliance with the relevant requirements or
- (c) that despite due diligence he was unaware of the provision of the notice.

(12) Where an offence under any provision of this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.”

*New clause 12—Inspections and studies—*

“(1) The Adjudicator may for the purposes of its regulatory functions carry out inspections of—

- (a) the carrying on of the Scheduled Works, or
- (b) the operation of any train travelling on Phase One of HS2.

(2) The Adjudicator may undertake or promote comparative or other studies designed to enable it to make recommendations—

- (a) for improving sustainability and effectiveness in any activity mentioned in subsection (3), or
- (b) for improving the management of environmental outcomes arising from the operation of Phase One of HS2.

(3) Those activities are—

- (a) the undertaking of construction activity by HS2 Ltd or a nominated undertaker,
- (b) the making of arrangements by HS2 Ltd or a nominated undertaker for the purpose of environmental mitigation.

(4) The Adjudicator may also undertake or promote studies designed to enable it to prepare reports as to the impact of—

- (a) the operation of any particular statutory provisions, or
- (b) any directions or guidance given by a Minister of the Crown (whether pursuant to any such provisions or otherwise),

on economy, efficiency and effectiveness in an activity mentioned in subsection (3)(a) or (b).

(5) The Adjudicator must undertake or promote a study falling within subsection (2) or (4) if the Secretary of State so requests.

(6) The Adjudicator must publish—

- (a) any recommendations made by it under subsection (2) and
- (b) the result of any studies undertaken or promoted under that section.

(7) The Secretary of State may, after consulting the Adjudicator, by regulations make provisions as to the procedure to be followed in respect of the making of representations to the Adjudicator before the publication under subsection (2) of any recommendations or the result of any studies.”

**New clause 13—*Power to require documents, information returns etc.*—**

“(1) The Adjudicator may require any person mentioned in subsection (2) to provide it with any information, documents, records or other items which the Adjudicator considers it necessary or expedient to have for the purposes of any of its regulatory functions.

(2) The persons are—

- (a) HS2 Limited,
- (b) a nominated undertaker,
- (c) any contractor appointed by HS2 Limited or a nominated undertaker.

(3) The power in subsection (1) to require the provision of information, documents or records includes, in relation to information, documents or records kept by means of a computer, power to require the provision of the information, documents or records in legible form.

(4) The Adjudicator may require a nominated undertaker to make a return to the Adjudicator at such intervals as may be prescribed.

(5) Provision may be made in such requirements as to the contents of the return and the period in respect of which and date by which it is to be made.”

**New clause 14—*Information and advice*—**

“(1) The Adjudicator must keep the Secretary of State informed about the following matters—

- (a) the environmental impact of constructing Phase 1 of HS2 and whether such impacts reflect the forecasts detailed in the Environmental Statement;
- (b) the impact on communities and the natural environment arising from the construction and operation of HS2;
- (c) the carrying on of regulated activities.

(2) The Adjudicator may at any time give the Secretary of State advice on anything connected with those matters.

(3) When requested to do so by the Secretary of State, the Adjudicator must give the Secretary of State such advice or information in connection with a matter mentioned in subsection (1) as may be specified in the request.”

**New clause 15—*Provision of copies of registers*—**

“(1) Subject to subsection (3), the Adjudicator must secure that copies of any register kept for the purposes of this Act are available at its offices for inspection at all reasonable times by any person.

(2) Subject to subsections (3) and (4), any person who asks the Adjudicator for a copy of, or an extract from, a register kept for the purposes of this Chapter is entitled to have one.

(3) Regulations may provide that subsections (1) and (2) do not apply—

- (a) in such circumstances as may be prescribed, or
- (b) to such parts of a register as may be prescribed.

(4) A fee determined by the Adjudicator is payable for the copy or extract except—

- (a) in prescribed circumstances, or
- (b) in any case where the Adjudicator considers it appropriate to provide the copy or extract free of charge.”

**New clause 16—*Speed and Noise Limitation*—**

“(1) No person shall drive or cause or permit any train to proceed at a speed greater than 300 km/h on track forming part of Phase One of High Speed 2 except to the extent that the maximum peak noise level arising from train passage, when measured according to a procedure defined by the Secretary of State on the basis of representative train passages and locations, does not exceed 60dBA at any point further than 200m from the centre line of the railway.

(2) If any person fails to comply with the requirements of subsection (1) he shall be guilty of an offence.

(3) A person guilty of an offence under this section shall be punishable on summary conviction by a fine not exceeding £20,000 and on conviction on indictment to a fine.

(4) Where an offence under any provision of this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.”

**New clause 17—*Prohibition of entry of designated vehicles in designated areas*—**

“(1) No person shall for the purposes of the exercise of powers granted under sections 1 and 2 drive or cause or permit a vehicle of a designated class to enter a designated area, where “designated class” and “designated area” are as defined in [Schedule: Designated Areas and Classes for Vehicles].

(2) If any person fails to comply with the requirements of subsection (1) he shall be guilty of an offence.

(3) A person guilty of an offence under this section shall be punishable on summary conviction by a fine not exceeding £20,000 and on conviction on indictment to a fine.

(4) Where an offence under any provision of this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.”

**New clause 22—*Construction of an integrated Euston Station*—**

“(1) The Secretary of State will require the nominated undertaker to take reasonable steps to develop integrated and comprehensive design and construction plans for Euston Station that include integration with other Euston Schemes.

(2) For the purposes of subsection (1) “reasonable steps” mean, but are not limited to, the following measures—

- (a) The nominated undertaker will seek to maximise, in so far as is reasonably practicable, the volume of excavated and construction material from the construction of the enlarged Euston Station and its approaches to be brought in and removed by rail;
- (b) The nominated undertaker will design an enlarged HS2 Euston Station having regard to all relevant parts of the Euston Area Plan and any other relevant Opportunity Area Frameworks or Guidance,

- (c) The nominated undertaker will be required to participate in the Euston Strategic Board, which shall comprise representatives from the Department for Transport, HS2 Limited, the London Borough of Camden, the Greater London Authority, Transport for London, and in any successor or additional future governance arrangements which may be agreed between the London Borough of Camden, and the Greater London Authority and Transport for London from time to time,
- (d) The nominated undertaker will be required to participate in a Euston Station Strategic Redevelopment Board which shall have the same membership as specified in subsection (2)(c), with the addition of Network Rail and any successor network and station operators, designated under Section 8 of the Railways Act 1993 and having responsibility for Euston Main Line Station or rail tracks that connect to that station,
- (e) The Euston Station Strategic Redevelopment Board will advise the Secretary of State on the delivery of an integrated and comprehensive design for the enlarged Euston Station and other Euston Schemes, alongside other duties which may be set out in its Terms of Reference which may be updated from time to time;
- (f) The nominated undertaker will be required to participate in a Euston Integrated Programme Board, the membership of which shall include the organisations specified in subsection (2)(b);
- (g) The Euston Integrated Programme Board shall have responsibility for managing the integration of the nominated undertaker's Euston Station design and construction work plans with proposals for other Euston Schemes;
- (h) The nominated undertaker will be required to take all reasonable steps to maintain public access to Euston Station and through construction sites that are established for Phase One purposes, including for cyclists and pedestrians;
- (i) Where it is not reasonably practicable to maintain public access under subsection (2)(h), the nominated undertaker shall identify alternative measures to maintain public access and implement them where it is reasonable;
- (j) The nominated undertaker will be required to participate in a Euston Station Design Panel and use reasonable endeavours to agree the chairperson and other members jointly with Camden London Borough Council, Transport for London and the Greater London Authority, and Network Rail or any successor network operator as defined in subsection (2)(d);
- (k) The Secretary of State will require the nominated undertaker to have regard to all recommendations made by the Euston Station Design Panel regarding the nominated undertaker's ongoing design work for Euston Station,
- (l) If requested to do so by the Euston Station Design Panel, the Secretary of State will require the nominated undertaker to notify Camden London Borough Council and the Greater London Authority of the full reasons for failing to incorporate into its design work any changes recommended by the Euston Station Design Panel,
- (m) The nominated undertaker will make provision for ongoing community engagement during the construction works for the enlarged Euston Station,
- (n) Details of the funding expected to be required to rebuild Euston Main Line Station shall be set out when the Secretary of State's duties are fulfilled under paragraph 1(D)(1) of Schedule 4A to the Railways Act 1993 in respect of the review periods preceding the rebuild of Euston Main Line Station and the review periods during which the rebuild of Euston Main Line Station is expected to take place,

(3) For the purposes of subsection (1), "Euston Schemes" shall be taken to mean—

- (a) The enlarged Euston Station as referred to in Schedule 1 to this Act,
- (b) The rebuild of the Euston Main Line Station,
- (c) Over site development and related development opportunities above the Euston Station and tracks in line with the Euston Area Plan; and
- (d) Additional proposals for new subterranean railways that may be introduced by the Greater London Authority or Transport for London during the Phase One construction period.

(4) Nothing in this section shall override other limitations imposed by this Act."

New clause 23—*Noise and visual mitigation at Mixbury, Oxfordshire*—

"(1) The Secretary of State shall require the nominated undertaker to construct, at Mixbury in Oxfordshire, along the west side of the railway's Hollow Barn embankment, a noise barrier of height between 1.4 metres and 2 metres and of equivalent specification to the noise barrier to be constructed at Westbury.

(2) The area between the Hollow Barn embankment and bridleway no. 303/4 shall be planted with tree screening such that within five years of construction there shall be a tree height adjacent to the embankment of at least 5 metres."

New clause 24—*Benefit/cost review of potential Wardington bypass*—

"(1) The Secretary of State shall commission a review of the potential benefits of constructing a road bypass on the A361 at Wardington in Oxfordshire.

(2) The review shall have regard to possible alleviation of HS2 construction traffic and other traffic, and to other alternatives for such alleviation.

(3) The review shall include estimates of the costs of construction of a bypass and other relevant costs.

(4) The Secretary of State must lay a report on the outcome of the review before both Houses of Parliament.

(a) within three months of this Act receiving Royal Assent; and

(b) before commencement of any HS2 construction works necessitating more than 24 heavy goods vehicle movements through Wardington, per day."

New clause 25—*Protection of bridleways in Oxfordshire*—

"(1) The nominated undertaker shall take all reasonably practicable steps:

(a) to keep open bridleways in the vicinity of the railway and associated construction works in Oxfordshire; and

(b) to ensure that such bridleways are safely useable for their intended purposes.

(2) Where closure of a bridleway cannot be avoided, the nominated undertaker shall take all reasonably practicable steps:

(a) to keep the duration of the closure to a minimum; and

(b) to provide safe alternative routes on alignments which so far as reasonably practicable avoid proximity to construction works.

(3) Bridleways shall be screened from construction works with appropriately designed screening of a suitable height.

(4) The nominated undertaker shall consult with users of bridleways on suitable ways to implement the duties set forth in subsections (1) to (3)."

New clause 28—*Kingsbury railhead special management zone*—

"(1) There shall be a special management zone for the area of the Kingsbury railhead, which shall include the areas falling under the aegis of the Kingsbury, Lea Marston, Curdworth, Wishaw and Middleton parish councils and north Warwickshire as a whole.

(2) The nominated undertaker will employ a community engagement team for the special management zone, which shall have responsibility for managing community relations, including the referral, escalation, monitoring and resolution of complaints and the provision of timely information about the status of complaints.

(3) The community engagement team will arrange regular meetings of the nominated undertaker, lead contractors, local authorities and local community representatives to discuss construction issues and forthcoming programmes of work.

(4) The community engagement team shall provide advice on support mechanisms and shall implement the HS2 stakeholder engagement framework.

(5) The community engagement team will be staffed by appropriately experienced personnel and will include—

- (a) a single point of contact for local authorities; and
- (b) named individual points of contact for property owners affected by construction.

(6) Implementation and enforcement of the Code of Construction Practice within the Special Management Zone will be the responsibility of a senior manager within the community engagement team.

(7) The community engagement team will coordinate responses to the construction of Phase One alongside planning of Phase Two.”

*New clause 29—Kingsbury railhead restoration—*

“The Secretary of State must require the nominated undertaker, on completion of Phase One construction, to restore the land and environment at and in the vicinity of the Kingsbury railhead to its state as at the date of Royal Assent to this Act, notwithstanding that mitigation measures to be implemented during construction will include earthworks and bunding.”

*New clause 31—Mitigation in environs of Old Oak Common—*

“(1) Conservation areas in the vicinity of Old Oak Common shall be the subject of special consultation whose objective shall be to mitigate the long-term effects of construction in the area.

(2) The nominated undertaker will use reasonable endeavours to situate heavy goods vehicle entrances to the Old Oak Common construction site as far from residential dwellings in Stephenson Street, Wells House Road and Midland Terrace as is reasonably practicable.”

*New clause 34—Mitigation of construction impacts at Canterbury Works vent shaft—*

“(1) Commencement of construction work at the Canterbury Works vent shaft construction site shall be subject to there being already in place before construction a traffic management scheme.

(2) The traffic management scheme shall include a requirement that construction on the Canterbury Works site does not entail more than 100 individual heavy duty vehicle trips per day (50 arriving and 50 departing).

(3) It shall be a further requirement of the traffic management plan that trips to be made by heavy duty vehicles will avoid the beginning and end of the school day.

(4) The nominated undertaker will require that all heavy duty vehicles entering or employed within the London low emission zones be powered by Euro VI (or lower emission) engines.

(5) The nominated undertaker will undertake regular environmental assessments of dust levels on the premises of St Mary’s Catholic Primary School, particularly in recreational areas such as the playground.

(6) The nominated undertaker will consider on a monthly basis where further measures at source may be required in order to reduce the effects of pollution, and publish its findings.

(7) The Secretary of State will provide the local authorities in the area of the Canterbury Works with the funds they deem necessary for additional road safety measures to ensure children’s safety during construction.

(8) During construction, the nominated undertaker and its contractors must maintain a construction operations website and a telephone helpline staffed 24 hours a day, 7 days a week, to handle enquiries from the general public and local business regarding construction activities.

(9) A log shall be kept of all complaints relating to HS2 construction sites, whether those complaints are made to HS2, local authorities or the police, and all complaints, with HS2’s response and action taken in response, should be published prominently on HS2’s website.

(10) Where there is a pattern of repeated infringement of construction site conditions, HS2 will pay compensation to all those affected.

(11) Information regarding vent shaft construction effects and progress must be made clear through advertisements, on social media, email alerts, local radio and newspapers.

(12) Information services must be provided in languages appropriate to the needs of the area, using the results of a demographic survey.”

*This new clause seeks to make mitigate the effects of construction at the Canterbury Works site, in particular in relation to air quality and child health and safety.*

*New clause 35—Mitigation of construction impacts at Alexandra Place—*

“(1) The nominated undertaker will ensure that any HS2-related construction at the Alexandra Place vent shaft construction site complies with existing air pollution legislation.

(2) The nominated undertaker will explore the possibility of using Loudoun Road for the loading and unloading of heavy duty vehicles and of moving materials by rail on tracks running alongside the proposed vent shaft site and shall implement both possibilities to the full extent possible, with a preference for movement by rail.”

*New schedule 1—Adjudicator: Status and Funding—*

“1 The Adjudicator shall be a body corporate.

2 (1) Subject to sub-paragraph (3), the Adjudicator shall not be regarded as the servant or agent of the Crown or any enjoying any status immunity or privilege of the Crown.

(2) The members of the Adjudicator and of their staff shall not be regarded as civil servants and the Adjudicator’s property shall not be regarded as property of, or held on behalf of, the Crown.

(3) In relation to any matter as respects which the Adjudicator act by virtue of a direction under Section 1.3 the Adjudicator shall enjoy the same privileges, immunities and exemptions as those enjoyed in relation to that matter by the Secretary of State for Transport.

(4) Subject to the provisions of any enactment, the Adjudicator shall not be exempt from any tax, duty, rate, levy or other charge whatever (whether general or local).

(5) The Adjudicator shall receive such funds from the Secretary of State as he considers that it needs to perform its functions expeditiously and efficiently.

*Membership*

3 (1) The Adjudicator shall consist of not less than 8 and not more than 17 members.

(2) The members shall be appointed by the Secretary of State, who shall appoint one of them to be chairman and may appoint another of them to be deputy chairman.

(3) In appointing any member, the Secretary of State shall have regard to the desirability of the members as a whole having knowledge or experience of all the following, namely railway construction and operation, the preservation of cultural heritage, town and country planning, ecology, arboriculture, landscape, and air quality.

(4) In appointing members, the Secretary of State shall have regard to the desirability of at least one of them having knowledge of local government (as well as knowledge or

experience of one or more of the subjects mentioned in sub-paragraph (3)).

(5) Subject to the following provisions of this paragraph, a chairman, deputy chairman or other member shall hold and vacate office in accordance with the terms of his appointment, but no member shall be appointed for a period of more than 5 years.

(6) A chairman, deputy chairman or member may resign his office by notice in writing addressed to the Secretary of State.

(7) If the Secretary of State is satisfied that a member—

- (a) has been absent from meetings of the Adjudicator for a period longer than 3 consecutive months without the consent of the Adjudicator, or
- (b) has become bankrupt or has made an arrangement with his creditors, or
- (c) is incapacitated by physical or mental illness, or
- (d) is otherwise unable or unfit to discharge the functions of a member,

the Secretary of State may remove him from his office

(8) If a chairman or deputy chairman ceases to be a member he shall also cease to be chairman or deputy chairman; and if a chairman or deputy chairman ceases to be chairman or deputy chairman he shall also cease to be a member.

(9) A person who ceases to be a member, otherwise than by virtue of sub-paragraph (7), or ceases to be chairman or deputy chairman, shall be eligible for re-appointment.

#### *Staff*

4 (1) There shall be a chief officer of the Adjudicator who shall be appointed by the Adjudicator with the approval of the Secretary of State.

(2) The chief officer shall be responsible to the Adjudicator for the general exercise of the Adjudicator's functions and may, subject to the directions of the Adjudicator, exercise all the powers of the Adjudicator either himself or through nominated staff members.

(3) The Adjudicator may appoint such other employees as the Adjudicator thinks fit.

(4) The Adjudicator shall pay to their employees such remuneration and allowances as the Adjudicator may determine.

(5) The employees shall be appointed on such other terms and conditions as the Adjudicator may determine.

(6) The Adjudicator may pay such pensions, allowances or gratuities as they may determine to or in respect of any of their employees, make such payments as they may determine towards the provision of pensions, allowances or gratuities to or in respect of any of their employees or provide and maintain such schemes as they may determine (whether contributory or not) for the payment of pensions, allowances or gratuities to or in respect of any of their employees.

(7) The references in sub-paragraph (6) to pensions, allowances or gratuities to or in respect of any employees include references to pensions, allowances or gratuities by way of compensation to or in respect of employees who suffer loss of office or employment.

(8) A determination under sub-paragraph (4), (5) or (6) is ineffective unless made with the approval of the Secretary of State given with the Treasury's consent.

(9) The Adjudicator shall make, not later than such date as the Secretary of State may determine, an offer of employment by the Adjudicator to each person employed in the civil service of the State whose name is notified to the Adjudicator by the Secretary of State for the purposes of this paragraph.

(10) The terms of the offer shall be such that they are, taken as a whole, not less favourable to the person to whom the offer is made than the terms on which he is employed on the date on which the offer is made.

(11) In determining whether the terms of the offer are more or less favourable to that person than those enjoyed by him on the date of the offer no account shall be taken of the fact that

employment with the Adjudicator is not employment in the service of the Crown.

(12) An offer made in pursuance of this paragraph shall not be revocable during the period of 3 months beginning with the date on which it is made.

(13) Where a person becomes an employee of the Adjudicator in consequence of this paragraph, then, for the purposes of his period of employment in the civil service of the State shall count as a period of employment by the Adjudicator and the change of employment shall not break the continuity of the period of employment.

(14) Any dispute arising under this paragraph as to whether or not the terms of any employment offered by the Adjudicator are, taken as a whole, less favourable than those applying to a person's employment in the civil service of the State shall be referred to and determined by an employment tribunal.

(15) An employment tribunal shall not consider a complaint whereby a dispute mentioned in sub-paragraph (6) is referred to it unless the complaint is presented to the tribunal before the end of the period of 3 months beginning with the date of the offer of employment or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of the period of 3 months.

(16) An appeal shall lie to the Employment Appeal Tribunal on a question of law arising from any decision of, or arising in proceedings before, an employment tribunal under this paragraph; and no appeal shall lie except to the Employment Appeal Tribunal from any decision of an employment tribunal under this paragraph.

#### *Proceedings*

5 Subject to the following provisions of this Schedule, the Adjudicator may regulate their own procedure (including quorum).

6 (1) A member of the Adjudicator who is in any way directly or indirectly interested in a contract made or proposed to be made by the Adjudicator or by HS2 Limited or by any Nominated Undertaker appointed by the Secretary of State, or in any other matter which falls to be considered by the Adjudicator, shall disclose the nature of his interest at a meeting of the Adjudicator.

(2) The disclosure shall be recorded in the minutes of the meeting.

(3) A member shall not—

- (a) where a contract in which the member is interested is under consideration, take part in the deliberations on or decision about the contract; and
- (b) where any other matter in which the member is interested is under consideration, take part in the deliberations on or decision about the matter if the Adjudicator decide that the member's interest might prejudicially affect his consideration of the matter.

(4) For the purposes of this paragraph, a notice given by a member at a meeting of the Adjudicator to the effect that he is a member of a specified body corporate or firm and is to be regarded as interested in any contract which is made with the body corporate or firm after the date of the notice, and in any other matter concerning the body corporate or firm which falls to be considered after that date, shall be a sufficient disclosure of his interest.

(5) A member need not attend in person at a meeting of the Adjudicator in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is taken into consideration and read at such a meeting.

(6) The validity of any proceedings of the Adjudicator shall not be affected by any vacancy among the members, or by any defect in the appointment of any person as a member or chairman or deputy chairman, or by a failure to comply with paragraph 6.

*Committees*

7 (1) The Adjudicator shall constitute at least one committee to advise them on ecology and at least one to advise them on compliance by HS2 Ltd with its obligations under the Environmental Statement and at least one to advise them on the efficacy of such compensation schemes which are implemented by HS2 Ltd and the Department for Transport and may constitute other committees to advise them on those or other aspects of their functions.

(2) The Adjudicator may include as members of committees persons who are not members of the Adjudicator.

(3) The Adjudicator may regulate the proceedings (including quorum) of committees.

(4) The Adjudicator may pay to the members of any committee such reasonable allowances in respect of expenses or loss of remuneration as the Secretary of State may determine with the Treasury's approval.

*Instruments*

8 (1) The fixing of the seal of the Adjudicator shall be authenticated by the signature of the chairman of or some other person authorised either generally or specially by the Adjudicator to act for that purpose.

(2) A document purporting to be duly executed under the seal of the Adjudicator, or to be signed on the Adjudicator's behalf, shall be received in evidence and, unless the contrary is proved, be deemed to be so executed or signed.

*Members Remuneration*

9 (1) The Adjudicator shall pay to members of the Adjudicator such remuneration and such allowances in respect of expenses as the Secretary of State may determine with the Treasury's approval.

(2) In the case of any such member or past member of the Adjudicator as the Secretary of State may with the Treasury's approval determine, the Adjudicator shall pay such pension, allowance or gratuity to or in respect of him, or make such payment towards the provision of such a pension, allowance or gratuity, as the Secretary of State may so determine.

(3) Where a person ceases to be a member of the Adjudicator, and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may, with the Treasury's approval, direct the Adjudicator to make to that person a payment of such amount as the Secretary of State may determine with the Treasury's approval.

*Accounts*

10 (1) The Adjudicator shall keep proper accounts and proper records in relation to them.

(2) The Adjudicator shall prepare a statement of accounts in respect of each financial year.

(3) The statement shall give a true and fair view of the state of the Adjudicator's affairs at the end of the financial year and of the Adjudicator's income and expenditure in the financial year.

(4) The statement shall—

- (a) be prepared within such period as the Secretary of State may direct; and
- (b) comply with any directions given by the Secretary of State with the Treasury's consent as to the information to be contained in the statement, the manner in which the information is to be presented or the methods and principles according to which the statement is to be prepared.

(5) The accounts in respect of each financial year ending on or before 31st March 2018 (including any statement of accounts in respect of each such financial year prepared under this paragraph) shall be audited by persons appointed in respect of each financial year by the Secretary of State.

(6) No person shall be appointed auditor under this paragraph unless he is—

- (a) eligible for appointment as a statutory auditor under Part 42 of the Companies Act 2006; or

(b) a member of the Chartered Institute of Public Finance and Accountancy; but a firm may be so appointed if each of its members is qualified to be so appointed.

(7) Where the Adjudicator has prepared a statement of accounts in respect of a financial year ending on or after 31st March 2016, it must, as soon as reasonably practicable after the end of the financial year to which the statement relates, send a copy of the statement to the Comptroller and Auditor General.

(8) The Comptroller and Auditor General shall examine, certify and report on any statement of accounts sent to him under sub-paragraph (7).

(9) In this paragraph "financial year" means the period commencing with the day of the Adjudicator's establishment and ending with the second 31 March following that day, and each successive period of 12 months.

*Information*

11 (1) The Adjudicator shall make to the Secretary of State, as soon as may be practicable after the end of each financial year, a report on the exercise of their functions since the last report was made or (in the case of the first) since the Adjudicator's establishment.

(2) Each report shall include a copy of the statement of accounts prepared and audited under paragraph 11 in respect of the financial year and, where the statement has been audited by the Comptroller and Auditor General, a copy of his report on it.

(3) Each report of the Adjudicator shall include a statement of action taken by the Adjudicator concerning—

- (a) The compliance by HS2 Ltd with the commitments made in the Phase 1 Environmental Statement,
- (b) The adequacy of the mitigation measures undertaken by HS2 Limited and any Nominated Undertaker concerning construction of the line,
- (c) Recommendations concerning any additional mitigation measures required to ensure adequate environmental mitigation,
- (d) The assessment of reasonable practicability undertaken by the nominated undertaker,
- (e) The Secretary of State shall lay a copy of each report of the Adjudicator before each House of Parliament,
- (f) As soon as may be after receiving any report made by the auditors on any accounts audited under paragraph 12 or, as the case may be, made by the Comptroller and Auditor General on any statement of accounts prepared under that paragraph, the Adjudicator shall send a copy of the report to the Secretary of State,
- (g) The Adjudicator shall furnish the Secretary of State with such information relating to their property and the discharge and proposed discharge of their functions as he may require, and for that purpose they shall permit any person authorised by him to inspect and make copies of any accounts or other documents of the Adjudicator and shall give such explanation of them as that person or the Secretary of State may require and
- (h) In this paragraph "financial year" has the same meaning as in paragraph 10.

*House of Commons disqualification*

12 (1) In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices), there shall be inserted at the appropriate place in alphabetical order—

(2) "Any member, in receipt of remuneration, of the Adjudicator."

New schedule 2—*Designated areas and classes for vehicles (Specific)*—

*"Designated area"*

The A452 road, Balsall Common, between its junction with Windmill Lane and the bridge over the Rugby and Birmingham railway.

*Designated class*

A vehicle exceeding 8 tonnes.

*Designated area*

Waste Lane, Balsall Common, between its junction with the A452 and the eastern junction with Old Waste Lane.

*Designated class*

A vehicle exceeding 8 tonnes.

*Designated area*

The Kenilworth Greenway.

*Designated class*

Any vehicle except a vehicle crossing from one side of the designated area to a point immediately opposite.”

*New schedule 3—Designated areas and classes for vehicles (Generic)—**“Any designated areas*

The designated area or areas in which a designated class or designated classes of vehicles are to be expressly prohibited shall be defined by the Secretary of State after consultation with local interested parties. They shall be contained in regulations to be made by statutory instrument, which shall not be made unless a draft thereof has been laid before, and approved by a resolution of, each House of Parliament.

*Any designated class*

A vehicle exceeding 8 tonnes, unless otherwise defined in relation to a particular designated area in regulations to be issued by the Secretary of State as above.”

Amendment 1, in clause 1, page 1, line 4, after “1,” insert

“subject to subsections 1A, 1D, 1G, 1I, 1O and 1T”

*This amendment seeks to prevent any surface railway route through The Chilterns Area of Outstanding Natural Beauty and ensure that any railway within the AONB be built in a fully-bored tunnel.*

Amendment 2, page 1, line 6, at end insert—

“(1A) The nominated undertaker shall not exercise powers granted under section 1 to construct a surface railway route within the boundaries of The Chilterns Area of Outstanding Natural Beauty (Chilterns AONB).

(1B) Any railway constructed as part of Phase One of High Speed 2 and within the boundaries of the Chilterns AONB shall be built as an extension to the bored tunnel in this area, which is planned through the works specified in Schedule 1 of this Act.

(1C) In this section, the Chilterns AONB shall mean the area of outstanding natural beauty designated within the Chilterns under section 82(1) of the Countryside and Rights of Way Act 2000.”

*This amendment seeks to prevent any surface railway route through The Chilterns Area of Outstanding Natural Beauty and ensure that any railway within the AONB be built in a fully-bored tunnel.*

Amendment 3, page 1, line 6, at end insert—

“(1D) The nominated undertaker shall not exercise powers granted under section 1 to build a surface railway route within the boundaries of The Chilterns Area of Natural Beauty (Chilterns AONB).

(1E) To fulfil railway construction requirements for Phase One of High Speed 2 within this area, the nominated undertaker shall pursue an extension of the bored tunnel which is planned through works specified in Schedule 1, via a Transport and Works Act order as provided for in section 52 of this Act, or via such other procedure as shall ensure an opportunity for appropriate public participation and objection.

(1F) In this section, the Chilterns AONB shall mean the area of outstanding natural beauty designated within the Chilterns under section 82(1) of the Countryside and Rights of Way Act 2000.”

*This amendment seeks to prevent any surface railway route through The Chilterns Area of Outstanding Natural Beauty and require the nominated undertaker to pursue an extension of the existing bored tunnel outside of this legislation.*

Amendment 14, page 1, line 6, at end insert—

“(1G) Any railway constructed as part of Phase One of High Speed 2 and within the boundaries of the Chilterns AONB shall, between South Heath and Leather Lane, east of the A413 Aylesbury Road in Buckinghamshire, be built within bored tunnel.

(1H) The works referred to in subsection (1G) shall be pursued by means of a Transport and Works Act order or such other procedure as shall ensure an opportunity for appropriate public participation and objection.

(1I) In this section, the Chilterns AONB shall mean the area of outstanding natural beauty designated within the Chilterns under section 82(1) of the Countryside and Rights of Way Act 2000.”

*This amendment would seek to provide partial further protection of the Chilterns AONB by extending the bored tunnel northward from South Heath for a further mile.*

Amendment 5, page 1, line 6, at end insert—

“(1I) The nominated undertaker shall not exercise powers to commence any works specified in this Clause, or any other construction works connected to Phase One of High Speed Rail 2, until a cost benefit analysis of the environmental impacts of such works has been completed.

(1J) The cost benefit analysis must include, but shall not be restricted to, an assessment of the environmental impacts of Phase One of High Speed Rail 2 and connected construction works in The Chilterns Area of Outstanding Natural Beauty.

(1K) The cost benefit analysis shall be undertaken by a review panel, the membership of which must include, but shall not be restricted to, representatives from—

- (a) Buckinghamshire County Council,
- (b) Chiltern District Council,
- (c) Aylesbury Vale District Council,
- (d) Wycombe District Council,
- (e) The Chilterns Conservation Board,
- (f) Natural England,
- (g) Environment Agency,
- (h) Key community groups,
- (i) HS2 Ltd, and
- (j) The Department for Transport.

The panel shall be funded and facilitated by the nominated undertaker.

(1L) Within twelve weeks after the date on which this Act comes into force the Panel must report its conclusions and recommendations to the Secretary of State.

(1M) If the Secretary of State rejects any recommendation made by the panel he must—

- (a) make publicly available the reasons for doing so, and
- (b) demonstrate how any environmental cost that would have been addressed by the rejected recommendation will otherwise be mitigated.

(1N) Any deviation from works specified in this Schedule required as a result of the panel’s recommendations shall be pursued via a Transport and Works Act order, as provided for in section 52 of this Act, or via such other procedure as shall ensure an opportunity for appropriate public participation and objection.”

*This amendment seeks to make progress of any construction works connected to Phase One of High Speed Rail 2 conditional on the completion of an environmental cost benefit analysis.*

Amendment 6, page 1, line 6, at end insert—

“(1O) The nominated undertaker shall not exercise powers to commence any works specified in this Schedule, or any other construction works connected to Phase One of High Speed Rail

2, until a full reassessment of tunnelling methodology as applied to an extended bored tunnel under The Chilterns Area of Outstanding Natural Beauty, has been completed.

(1P) The reassessment shall be conducted by a panel of experts and other relevant parties, to be appointed, funded and facilitated by the nominated undertaker.

(1Q) Within twelve weeks of this Act coming into force, the panel must report its conclusions and any recommendations to HS2 and the Secretary of State.

(1R) If the Secretary of State rejects any recommendation made by the panel he must—

- (a) make publicly available the reasons for doing so, and
- (b) provide a cost benefit analysis of any alternative proposal to that recommended by the panel.

(1S) Any deviation from works specified in this Schedule required as a result of the panel's recommendations shall be pursued through a Transport and Works Act order, as provided for in section 52 of this Act or such other procedure as shall ensure an opportunity for appropriate public participation and objection.”

*This amendment would make progress of any works connected to Phase One of High Speed Rail 2 conditional on the completion of a reassessment of tunnelling methodology for an extended bored tunnel under part of The Chilterns Area of Outstanding Natural Beauty.*

Amendment 7, page 1, line 6, at end insert—

“(1T) The nominated undertaker shall not exercise powers to commence any works specified in this Schedule, or any other construction works connected to Phase One of High Speed Rail 2, until a full assessment of traffic management requirements has been completed.

(1U) The assessment shall be conducted by a panel of experts and other relevant parties, to be appointed, funded and facilitated by HS2 Ltd.

(1V) Within sixteen weeks of this Act coming into force the panel must report its conclusions to the Secretary of State. The report must include but shall not be limited to—

- (a) a full assessment of traffic management requirements consequential to any works specified in this Schedule, and
- (b) detailed proposals outlining how such requirements shall be addressed.”

*This amendment would make progress of any works connected to Phase One of High Speed Rail 2 conditional on the completion of an assessment of traffic management requirements and implementation of solutions to address such requirements.*

Amendment 8, page 1, line 6, at end insert—

“(1A) In exercising the powers in this Bill, the nominated undertaker shall have regard to the desirability of minimising the number of gantries to be installed to provide power to the railway, in particular in areas of outstanding natural beauty designated by statute and in other areas of particularly high environmental value and sensitivity, and shall consult with local communities in designing plans for gantry installation.”

Amendment 11, page 1, line 6, at end insert—

“(1A) The nominated undertaker shall not exercise powers granted under section 1 to construct a surface railway route between Burton Green, Warwickshire, and Mercote Hall Lane east of Hampton-in-Arden, Solihull.

(1B) Any railway constructed as part of Phase One of High Speed 2 between Burton Green, Warwickshire, and Mercote Hall Lane east of Hampton-in-Arden, Solihull, shall be built as an extension to the tunnel at Burton Green, which is planned through the works specified in Schedule 1 of this Act.”

Amendment 17, page 1, line 6, at end insert—

“(1A) The nominated undertaker shall not exercise powers to commence any works specified in schedule 1 relating to Canterbury Works in Brent, London until a cost benefit analysis of the environmental impacts of such works has been completed.

(1B) The cost benefit analysis shall be undertaken by a review panel, the membership of which must include, but shall not be restricted to, representatives from—

- (a) HS2 Ltd;
- (b) Department for Transport;
- (c) Brent Council;
- (d) Environment Agency; and
- (e) Key community groups

(1C) The panel shall be funded and facilitated by the nominated undertaker.

(1D) Within twenty weeks after the date on which this Act comes into force, the panel must report its conclusions and recommendations to the Secretary of State.

(1E) If the Secretary of State rejects any recommendation made by the panel he must make publicly available the reasons for doing so and must demonstrate how any environmental cost that would have been addressed by the rejected recommendation will otherwise be mitigated.”

*This amendment seeks to make construction at the Canterbury Works site subject to an environmental cost benefit analysis.*

Amendment 12, in clause 20, page 9, line 6, at end insert—

“(1A) The deemed planning permissions in subsection (1) shall be made subject to the approval of the external appearance of the works by the relevant parish or town council,

(1B) The approval of the external appearance referred to in subsection (1A) shall not be withheld unreasonably, and shall be determined by the relevant parish or town council within four weeks of the submission by the nominated undertaker of full details of the external appearance of the proposed works to the proper officer of the council.”

Amendment 16, in clause 29, page 12, line 29, at end insert—

“(2) Any reconfiguration of utilities taking place pursuant to this Bill at Wormwood Scrubs Common will be undertaken with regard to the value of Wormwood Scrubs Common as an amenity, and shall not involve the creation of any permanent pedestrian or vehicular access.”

Amendment 9, in clause 31, page 13, line 30, at end insert—

“(5A) The Secretary of State shall, within one year of Royal Assent, consult on and prepare plans for the undergrounding of all overhead power lines over a height of 15m in areas of particularly high environmental value or sensitivity, and shall within one year thereafter introduce legislation or alternative regulatory measures (to the extent such measures are required) to permit such undergrounding to take place by the end of 2020.”

*This amendment is intended to compensate for the physical effects of the railway in certain areas by removing existing obtrusive and unappealing infrastructure.*

Amendment 10, page 13, line 30, at end insert—

“(5A) The Secretary of State shall, within one year of Royal Assent, consult on and prepare plans for the undergrounding of all overhead power lines in the Chilterns Area of Outstanding Natural Beauty over a height of 15m, and shall within one year thereafter introduce legislation or alternative regulatory measures (to the extent such measures are required) to permit such undergrounding to take place by the end of 2020.

(5B) In this section, “Chilterns Area of Outstanding Natural Beauty” shall mean the area of outstanding natural beauty in the Chilterns designated under section 82(1) of the Countryside and Rights of Way Act 2000.”

*This amendment is intended to compensate for the physical effects of the railway in the Chilterns AONB by removing existing obtrusive and unappealing infrastructure.*

Amendment 13, in schedule 1, page 79, leave out lines 47 to 50.



**Mrs Gillan:** New clause 6 relates to the Chiltern review group. The Chiltern area of outstanding natural beauty, which has been a designated landscape for more than 50 years, is the only AONB affected by phase 1 of HS2. As it stands, 8.8 km of the AONB is still exposed to the line and remains untunnelled and above ground. It will be a permanent scar on the landscape, and the effects will be irreversible. A Chilterns AONB review group would provide local authorities and key stakeholders with the opportunity to identify greater measures of mitigation and work collaboratively with the promoter to ensure that this precious area was protected to the highest possible level during the construction and operation of the railway.

When the project was first announced, I was assured that local people would have a chance to input their views and expertise into the plans for HS2, but, so far, those opportunities have been limited. This group of amendments would make sure that local people and councils had genuine influence over the future of their area, which will, I believe, be irretrievably damaged by HS2.

3.30 pm

New clause 7 concerns trees. When I petitioned the HS2 hybrid Bill Select Committee, one of my requests was to ensure that HS2 fulfilled the Government's promise to plant and maintain 2 million trees. The trees that were planted following HS1 were not properly maintained, and, as a result, many of them died. I asked for an undertaking from HS2 to that effect, but that has not been forthcoming.

**Sir Greg Knight** (East Yorkshire) (Con): I am grateful to my right hon. Friend for giving way. Is not new clause 7 actually defective? There does not appear to be any duty to replant trees that have died.

**Mrs Gillan:** My right hon. Friend makes a valid point. He will notice that there are a large number of amendments on the Order Paper in my name. I have not had the advantage of parliamentary draftsmen; I have had only lawyers, friends and my own wits, with the Clerks of the House to fall back on. However, I think that as a probing amendment, new clause 7 will make its point.

**Michael Fabricant:** Does my right hon. Friend agree that the problem of trees and ancient woodland demonstrates not only a lack of commitment but a deep lack of understanding by HS2 of these environmental issues?

**Mrs Gillan:** My hon. Friend makes a good point. I remember considering the matter in a debate in Westminster Hall, which I believe he led. Like me, he is a passionate and long-term supporter of the Woodland Trust, which does valuable work to preserve our precious ancient woodland and to create more native woods.

**Rebecca Pow** (Taunton Deane) (Con): I was at the debate about ancient woodland to which my right hon. Friend referred. Does she agree that more ought to be done to try to protect those precious ancient woodland habitats? I understand the economic reasons, but what about the ancient woodland?

**Mrs Gillan:** My hon. Friend has already made a name for herself in the House for defending our environment, and I hope that she long continues to do so. I agree with her entirely. The Woodland Trust wants ancient woodland to be removed from the “no net loss” calculation, and it is disappointed that HS2 has not done everything that it should or could do to avoid the loss of ancient woodland.

**Barry Gardiner** (Brent North) (Lab): I am sure that the right hon. Lady will acknowledge that when HS2's original estimate of the amount of ancient woodland was reviewed by the Woodland Trust, that estimate was increased by 78%. It is appalling that the initial environmental survey conducted by HS2 did not record accurately the amount of ancient woodland involved.

**Mrs Gillan:** The hon. Gentleman's point about inaccurate assessments is, I am afraid, repeated throughout dealings with HS2. This is a particularly bad example. The Woodland Trust petitioned HS2 for a minimum planting ratio of 30:1 to compensate for the fact that irreplaceable habitats will be lost, and the planting of 2 million trees along the wider route is just the starting point. I would have hoped that that could be put in the Bill, which would have made the provision legally binding and ensured that at least some structured replanting and maintenance took place.

**Mr Goodwill:** May I underline our commitment to no net environmental loss and our commitment to plant 2 million trees, which will be managed to the best arboricultural standards? One of the problems that we had with the assessment of ancient woodland was getting access to land to carry out such assessments, because some landowners would not grant us access. That will not be a problem with further phases, because we have taken those powers as part of the Bill.

**Mrs Gillan:** I am grateful to my hon. Friend for that clarification. I wish I could take it at face value.

**Barry Gardiner:** As I am sure the right hon. Lady agrees, the Minister's assurance that there will be no net loss is not worth the air time it is given. Ancient woodland is, of course, as Natural England precisely characterises it, “irreplaceable”. The idea that there can be no net loss of something that is irreplaceable is simply a contradiction in terms.

**Mrs Gillan:** The hon. Gentleman makes a very valid point. Quite frankly, the fact that anybody actually says they would replace ancient woodland just shows the ignorance of some of the people dealing with this matter.

**Mr Goodwill** *rose*—

**Mrs Gillan:** The Minister is determined to get in again. As we have not heard a lot from him, I will give way.

**Mr Goodwill:** May I just make the point that translocation of ancient woodland soils is recognised by Natural England as an important mechanism for aiding the creation of ecologically valuable woodlands? If properly planned and undertaken, that can be an important element of compensatory measures, where the loss of ancient woodland is unavoidable.

**Mrs Gillan:** I again thank the Minister for that clarification.

**Victoria Prentis:** I am very concerned about the protection of ancient pastureland. In one particularly egregious case in my constituency, HS2 Ltd suggested that it replace ancient woodland on ancient pastureland, which is even rarer and more valuable.

**Mr Grieve** *rose*—

**Mrs Gillan:** I think my right hon. and learned Friend has had a similar experience.

**Mr Grieve:** My right hon. Friend is absolutely right. Those managing pastureland to produce wild flowers were told that, after years of husbandry, somebody was going to stick a wood on it. HS2's reaction was simply to find a bit of land on which to stick some trees.

**Mrs Gillan:** I make no comment. That speaks for itself.

**Barry Gardiner:** Will the right hon. Lady give way?

**Mrs Gillan:** I think I have given way enough to the hon. Gentleman. I want to make some progress because so many Members want to speak on this group of amendments, and we have so little time.

I have tabled new clauses, drafted by a very senior lawyer, on a proposal that is of particular importance to everybody—the adjudicator. The proposal is of great importance and would improve the project immeasurably. New clause 8 provides for an independent regulatory body regularly to review and monitor progress during construction, and to hold HS2 to account in delivering what has been promised in environmental and other mitigations. The construction commissioner or complaints commissioner proposed by the Department for Transport simply will not have the remit or the expertise to monitor such a large project. In addition, it can only cover claims of up to £7,500. I believe we need truly independent scrutiny by an independent body. Some of the panel members should have relevant expertise, and most importantly, it should have enforcement powers.

The history of this project is full of errors and omissions, including the downplaying of the environmental impacts, together with the “It will be fine” and “The people along HS1 did not complain” attitude of the promoter. We cannot trust what HS2 is currently offering. At the moment, it is in effect responsible for policing itself.

The Government assure us that the environmental minimum requirements and the code of construction practice offer the necessary protections, but close examination of the documents does not provide such reassurance. The devil is always in the detail. In practice, it means that although HS2 is required to adopt measures to reduce the adverse environmental effects reported in the environmental statement, it only has to do so

“provided that such measures are reasonably practicable and do not add unreasonable cost or delay to the construction or operation of the project”.

In effect, that gives the nominated undertaker, which is in charge of monitoring itself, a “get out of jail free” card.

**Andrew Bridgen:** Is my right hon. Friend as concerned as I am that if HS2 is its own policeman, corners will be cut when the budget comes under further pressure, as it undoubtedly will, and local people and the environment will suffer as a result?

**Mrs Gillan:** I think that will happen. Once this project is on its way, it will be easy to say that this would delay it or that would cost more. Presumably, it will be very easy for HS2 to say that almost any environmental mitigation could cause delays to the project and add to the cost, and therefore that it is not reasonably practical to implement it.

I have looked at the complaints process. It cannot be sensible or practical to have a complaints process that ends up with the Speaker of the House as the adjudicator of last resort for dispute resolution in relation to the construction of HS2 and, most importantly, the implementation of environmental mitigation. I do not want to be fobbed off by the Minister with reassurances that the Department for Transport has covered it all with the construction commissioner, because we can be very sure that it has not. We owe the people burdened with this project, and the communities that are being destroyed, that extra level of scrutiny and protection, and somebody whom they can turn to immediately.

My remaining new clauses concern the tunnels and the look of this project in my constituency. I will summarise those points briefly because many people want to speak. It is not fair to say that my constituency has not been protected at all by additional tunnelling. As the Minister said in his opening remarks—I am told I am to be very grateful—there will now be a tunnel for two thirds of my constituency. My constituents are grateful for that, but 8.8 km of the route through the area of outstanding natural beauty is outside the tunnel. When we are doing such brilliant tunnelling with Crossrail 2, and when we know that tunnelling expertise in this country leads the world, why are we not using that to tunnel under a nationally protected piece of the environment? I have tabled these new clauses to remind the Minister that we will not give up on this issue at any stage, and I hope that the House of Lords will also give it due consideration.

I have tabled an amendment on traffic, which is important because the traffic assessments from HS2 have been atrocious. I have also tabled amendments on pylons, and the possibility that we will be able to take the opportunity offered by HS2's construction phase to ensure that if pylons are above ground, they are designed to fit in with the countryside, but that if possible they could be placed underground.

I see that you are getting anxious, Madam Deputy Speaker, as am I, because the Government have not given us enough time to do justice to these new clauses. I am sorry that I have not been able to deploy all my arguments, but in the interest of allowing others to speak, and knowing that time has been taken out of this debate by the Opposition's forcing a vote on something that is not relevant to now or to my constituents, I will let others speak.

**Keir Starmer** (Holborn and St Pancras) (Lab): New clause 22 deals with Euston, which is in the middle of my constituency. It is not easy to convey to the House the devastating impact that HS2 will have on my

constituency, but let me try. HS2 will come into Primrose Hill and crash through to Euston, destroying everything in its path.

Let me give the House the sheer numbers affecting my constituency: 2,986 people live within 60 metres of the construction site, a further 3,186 live within 120 metres, and 11,414 within 300 metres. That is 17,568 people in my constituency within 300 metres of the construction site. Some 220 family houses will be demolished, and up 1,000 people will lose their homes. Unless there is a plan for an integrated station at Euston, there is the risk that another 150 family homes will be lost, affecting another 600 people—1,600 people are at risk of losing their home.

Many of the family homes that are not destroyed will be affected by noise, and, according to HS2's own figures, 1,025 family homes—that is 4,000 people—will be affected by noise that requires mitigating measures. Measures are already in place to consider up to another 850 homes and another 3,400 people. Some 7,000 people in my constituency could need noise mitigation measures because of what will happen with HS2 at Euston.

That is not the end of it. If Euston is redeveloped, 3.5 million tonnes of spoil will need to be removed from the site, which is the equivalent of 26 miles of tunnelling for Crossrail. All that must come out of Euston, and there is no guarantee or assurance that that will be done by rail. The net effect for my constituents is the risk of 800 two-way lorry movements a day to remove that spoil, and 90% of those lorries will be HGVs.

That brings me on to air quality, which is notoriously bad in London. It is particularly bad in the Euston area, and the HS2 environmental statement indicates that HS2 will have a substantial impact on nitrogen dioxide levels in a third of locations in the Euston area. If that was not enough on its own—it will have a devastating impact on the constituency—let me throw in two further factors.

The first factor is time. The original HS2 Bill was premised on the completion of a new HS2 station at Euston by 2026. For my constituents, that seemed like a long time. In September 2015, the Government lodged “Additional Provisions 3”, their current plans for Euston. A new station is now to be developed in three phases. Stage A, to the west of the existing station, involves the construction between 2017 and 2026 of six platforms needed for phase 1. Stage B2, the construction in the second phase of further platforms within the existing station but not all of it, is intended to be completed by 2033. The redevelopment of the existing station, stage B2, is unfunded and unplanned, and may begin before or after 2033—half a station in twice the time.

Another factor—there are more I could add to this litany of devastation in Holborn and St Pancras—is that even in 2033, having endured a construction site for the best part of 20 years, my constituents will not see a complete and integrated station in their constituency. On 1 December 2015, Tim Mould QC, HS2's counsel, outlined to the Select Committee that a new integrated station at Euston is

“not deliverable within appropriate funding constraints”

and that this is the assessment of

“the government, the Chancellor, the Prime Minister”.

There is no timetable for Government funding to complete the final phase. As a result of the lack of planning and integration, Crossrail 2, which hopes to have an integrated

station, is now planning on the basis that it may have to build part of its station in Somers Town, removing 150 buildings and displacing another 600 people—half a station in twice the time, with twice the damage.

3.45 pm

A child born next year in my constituency will grow up and leave home knowing nothing but construction work. A pensioner beginning retirement at 70 next year will live out their entire retirement knowing nothing but construction work around them. It is no wonder that at every meeting and everywhere I go in my constituency, anxiety is etched on the faces of everybody who talks to me about HS2. It is an appalling situation, one that is wholly unacceptable on any basis.

I was elected to represent the people of Holborn and St Pancras. It is my privilege to do so; it is also my duty. I speak to each and every one of my constituents when I say that I will stand with them and fight with them to resist the wholly unacceptable damage that HS2 will bring to our communities.

**Mr Grieve:** I will be extremely brief on the issue of the adjudicator. I listened very carefully to what the hon. and learned Member for Holborn and St Pancras (Keir Starmer) said and I have great sympathy with all the points he makes. This is why I am bound to say that I find it so odd that the Government will not accept the creative idea of having an office of the HS2 adjudicator. The scale of the project makes it desirable to have an independent arbitration authority to resolve the inevitable disputes that will arise over the way in which the scheme is carried out. If I may say so to the Minister, I would have thought it very much in the Government's interests to accept this idea; otherwise, the burden will inevitably fall on Members of Parliament whose constituencies are affected, and the House's time will be taken up with constant arguments about how HS2 is not observing its obligations or carrying out the work in accordance with the intention it originally presented.

This is going to cause massive problems for the Minister and his Department and will probably clog up some of the House's business time. It is all the more reason to have an independent adjudicator who is approachable exactly like an ombudsman and who can take on some of that burden and do it professionally and in a manner that reassures people and commands respect. I therefore strongly urge the Minister to accept new clause 8. It would be regrettable if the Government did not, because, as I say, an extra burden would fall on their shoulders as a result of the many problems that will inevitably arise during construction of the project.

**Andy McDonald:** I wish to speak to new clause 22 on the construction of an integrated station at Euston.

There have been many discussions and consultations between HS2 and Camden Borough Council about Euston, and the new clause draws on the assurances that HS2 gave to Camden. The thrust behind this long and technical new clause reflects the fact that the redevelopment of Euston presents an enormous opportunity to build something of real worth to accommodate not only the station to the west for HS2 phase 1 and all its works but the redevelopment of the mainline station, and to take into account the requirements of phase 1 and, in due course, phase 2, including in anticipation of Crossrail 2 in the fullness of time.

**Michael Fabricant:** The hon. Gentleman is right to talk about the integration between Crossrail and Euston and what might be possible at Euston, but does he agree that it is completely mad that HS2, which will be coming from the north, does not go to St Pancras or even connect with HS1 to enable people to travel to the continent?

**Andy McDonald:** That point has been raised several times. The intention, as expressed in the documents, is to have a pedestrian connection between them.

An overarching approach to an integrated station would not only take account of all the anticipated works but achieve the objectives of securing the best possible outcomes for the residents of Camden and minimising the enormous disruption they will undoubtedly suffer. Many properties will be demolished and other properties will be in extremely close proximity to the works; public open spaces will be lost; there will be fleets of heavy goods vehicles and commercial vehicles; and noise pollution will undoubtedly disrupt the peaceable enjoyment of many properties, including in places such as Cobourg Street, which is a tranquil community with a quiet courtyard at its heart, notwithstanding its close proximity to busy traffic and the railway station. Businesses in streets like Drummond Street will also be disturbed.

We are asking the good people of Camden to put up with a great deal and to make huge sacrifices for the benefit of the nation, and Labour has tried to do all it can, in new clause 22 and in Committee, to mitigate the impact on the quality of life for residents. We acknowledge the sincerity of the Minister and his colleagues in working to that objective, but we take the view that this is so important that the assurances given ought to be in the Bill and have the full force of law.

We seek to minimise the amount of excavated material and construction materials transported into and around the site by road and to have as much as possible moved by rail. Camden Council has developed a Euston area plan, and we propose that any designs for the enlarged Euston station take full cognisance of that plan and other such framework documents and relevant guidance. The assurances talk of various boards, including the Euston strategic board, the Euston station strategic redevelopment board and the Euston integrated programme board, which bring together a number of prescribed partners. We seek to ensure that the nominated undertaker—the relevant body carrying out the HS2 works—is obliged to participate in those boards, as the assurances given by HS2 so describe.

**Geoffrey Clifton-Brown:** Does the hon. Gentleman agree that if Euston station were holistically designed and developed, it would provide a huge opportunity for regeneration in the Euston area and produce a lot of good quality local affordable housing to replace some of the affordable housing that will be devastated by HS2?

**Andy McDonald:** I agree entirely with the hon. Gentleman's intervention. That is the thrust of our new clause, which I trust he will support. It stipulates that the redevelopment board will advise the Secretary of State on the delivery of an "integrated and comprehensive design" for the enlarged Euston station, and it is for the integrated programme board to make sure that the designs and construction plans for Euston fit with proposals for other Euston schemes.

Access is a real issue, so while the construction is under way, which it will be for many years, we want to ensure that pedestrians and cyclists have continuous access through the site, east to west and north to south, insofar as it is "reasonably practicable" to do so. A design panel will work to ensure that the relevant partners can agree an appropriate design. Whoever is appointed for these purposes by HS2 will be obliged to work with that panel to ensure full buy-in to the design. Indeed, there will be an obligation on the nominated undertaker to take proper notice of the recommendations made by the design panel, and if for some reason the nominated undertaker does not follow those recommendations, our new clause states that it will be required to explain why that is so. The new clause makes sure that the community is properly engaged throughout the construction works at Euston so that its concerns will be recognised and its voice heard.

The provision is even more important, given today's publication of the Parliamentary and Health Service Ombudsman's report on a complaint about HS2. It effectively concludes that there are fundamental problems with the way HS2 Ltd communicates with the residents affected by their plans and the way it handles complaints.

The report dealt with specific complaints, but it is worrying that the Chairman of the Public Administration and Constitutional Affairs Committee has said:

"There is still a culture of defensive communication and misinformation within this public body and that is not acceptable. Unless those responsible for delivering HS2 understand that first and foremost they serve the public, they will continue to be criticised for having complete disregard for the people, some of them vulnerable, who are impacted by this large-scale infrastructure project."

**Mr Jim Cunningham** (Coventry South) (Lab) *rose*—

**Andy McDonald:** If my hon. Friend would not mind, I am conscious of my time drifting away.

The Chairman continued:

"We expect HS2 Ltd to prioritise its response to Ian Bynoe's forthcoming recommendations on communication and engagement and on complaint handling. This is a matter of primary importance for HS2 Ltd, and must be treated as such."

I trust that the Minister will take on board the criticisms of the Committee and make sure that any necessary cultural and other changes are made so that there is no such repetition. I urge him further to consider, even at this late stage, accepting our representations in the context of this new clause.

The new clause also provides that when the Secretary of State sets out the Government's periodic railway investment plans, in what we have come to term "control periods", he or she should set out the costs of and funding for the anticipated works in the planning period before the works start and during the control period in which the works will fall.

Yes, previous infrastructure projects have had similar assurances woven into them and they have been observed, but this is such a huge infrastructural undertaking, the likes of which has never been done before in such a manner, on such a scale or over such a lengthy period of time. We believe that the people of Camden need to have more than just the assurances that have been given. On this occasion, we believe that we have to take the extra step of working those assurances directly into the Bill.

The Minister will not need me to remind him that throughout the Public Bill Committee Labour tabled a number of amendments and new clauses that pressed the Government to justify the inclusion of wide-ranging blanket powers granted to the Secretary of State for the purposes of the construction and operation of HS2. Each time the Minister responded by resisting our attempt to curtail the scope of the Secretary of State's powers on the basis that the Government was taking a "belt and braces" approach so as to be absolutely sure. I am now therefore asking for the loan of his belt and braces—not to protect my dignity, but to protect the people of Camden.

I do not intend to impugn the sincerity of HS2 Ltd or of the Minister, and he knows that. In the light of the comments from the Public Administration and Constitutional Affairs Committee and the special set of circumstances that apply, we firmly believe that these provisions need to be enshrined in statute. I shall test the will of the House on new clause 22 by putting it to the vote.

**Mrs Caroline Spelman** (Meriden) (Con): I have tabled some fresh amendments that are designed to help colleagues whose constituencies are along the line of route. In particular I shall highlight the important issue of the adjudicator, and I shall support my right hon. Friend the Member for Chesham and Amersham (Mrs Gillan) on new clause 7. I want to impress on the Government that when I was Secretary of State for Environment, Food and Rural Affairs and published the "Natural Environment" White Paper, it was made clear that the objective was for a net positive outcome from offsetting. That is more ambitious than no net loss, and it can be achieved by, for example, combining offsets and regenerating degraded land such as the Tame river valley on the east of Birmingham, where the spur to Birmingham station will be built.

4 pm

My No. 1 ask for my constituency remains a tunnel to avoid the 40-foot flyover that will sever the parish of Berkswell, separating the primary school from the secondary school. I must impress on the Minister the opportunity that that would create to approach the new station underground, thereby preserving the flexibility above ground in an area where the land will be of extremely high value.

I support new clauses 16 and 17, new schedules 2 and 3, and amendments 11, 12 and 13. New clause 16, which deals with speed and noise limitation, would ensure better protection from noise levels for those living alongside the whole course of the line. Train speed, contingent on noise, is an important concept not previously examined, and the new clause would ensure that HS2 must consider it carefully. New clause 17 would prohibit the entry of designated vehicles into designated areas. New schedule 2 is specific to my constituency, but new schedule 3 would cover any designated area. The new schedules would enable the Secretary of State to consider prohibiting HS2 contract vehicles weighing more than 8 tonnes from using certain roads during the construction phase, thus helping to ease the impact on local people.

Amendment 12 seeks to give relevant parish and town councils a greater say over the conditions within the localised planning applications to ensure that they

can influence the design of what they will have to live with. Amendment 13, which is also specific to my constituency, seeks to protect residents of Hampton-in-Arden from a proposal that, theoretically, turns a once quiet country lane into a rat run on the approach to the new station. I have previously submitted a petition with 746 signatures to the House.

I want to draw attention to a wider concern about the process behind the decisions that have been made. I have great respect for the members of the Select Committee, who "listened for England" over a 22-month period. However, there was a problem. If a deal could be cut in the corridor outside the Select Committee while one party was giving evidence, the other was excluded. The result of that was a lack of transparency, which, in this day and age, is unfair to some of the petitioners.

Unfortunately for me, new clause 36 was not selected, but it underlines the importance of integrating the HS2 project with existing road and rail networks.

HS2 is a cross that some of us are having to bear. The load is heavy for our parliamentary offices. Our staff have had to put up with an extremely difficult period while serving as the interface with our constituents. However, I am still optimistic that this hybrid Bill will be amended in the other place: I do not view the Bill we are examining today as the final item.

**Tulip Siddiq** (Hampstead and Kilburn) (Lab): New clauses 34 and 35, which I tabled, relate to construction at Canterbury Works and Alexandra Place in my constituency. I shall say something about the environmental impacts, but before that I want to make a point about the poor communication on the part of HS2, which has also been mentioned by Conservative Members.

Last October, along with volunteers, I delivered letters to constituents living near Canterbury Works. It was the first time that many of them had even heard of the plans, which is simply not good enough. Many of the people who live near Canterbury Works and the Alexandra and Ainsworth estate speak English as a second language, and HS2's poor communication meant that they had no idea of what was coming along the tracks towards them as a result of this devastating scheme. My new clauses would change that situation, and give some information and assurances to the people whose lives will be blighted by the scheme.

At Canterbury Works, which is in the Brent area of my constituency, a vent shaft will be built in a very deprived area next to a school playground. Parents of pupils at the school have told me repeatedly how detrimental the construction will be to their children's education, health and welfare. Arancha, a constituent and the parent of a pupil at the school, raised specific concerns about air pollution. She said:

"Children will be directly affected by the impact of noise levels from construction, causing disruption to their learning experience, in particular for the percentage of pupils with Special Educational Needs".

Her concerns do not stand in isolation; they exist in a socioeconomic context that demands that south Kilburn be given a better deal than the upheaval being imposed by HS2. The areas surrounding the proposed vent shaft in Brent are in the top 1% in the country for income deprivation affecting children.

[Tulip Siddiq]

Let me turn to the other borough in my constituency, Camden. At Alexandra Place, another vent shaft will be built adjacent to crowded businesses and residential properties, and 100 vehicles a day will be emitting dangerous fumes within the confines of narrow roads that are surrounded on all sides by apartment buildings. Residents of a care home and the children living in the apartments on Alexandra Place will face increased risks to their health for many years. An article in *The Sunday Times* in October said that pollution in London was stunting the growth of children's lungs, so when the Select Committee report states that "together" the two sites that I have named are "the most sensitive" locations for vent shafts in an urban area, its words should be taken seriously.

I know that there is not much time, so I shall finish by saying that I do not object to transport schemes or infrastructure projects without giving them the utmost consideration. However, I am proud to call my constituency of Hampstead and Kilburn home, because it is where I grew up, and the welfare of my constituents comes first. This scheme will blight their lives. It will affect the most vulnerable, and the years of construction will cause confusion and upheaval to people already living in deprived communities. This is my reason for speaking out against a scheme that will affect the most vulnerable in Hampstead and Kilburn.

**Victoria Prentis:** I should like to add my support to the amendments relating to the office of the adjudicator, which have been debated so well this afternoon. It is critical for my constituents to have someone who can intervene between them and HS2, and the cross-party, high-level legal support for those amendments should be noted by the Secretary of State and the House.

The amendments tabled in my name are specific and I shall deal with them briefly. New clause 23 relates to Mixbury. The estimated frequency of the trains means that the noise will be almost continuous in that unspoiled village, which has as many stables as houses. HS2 has failed to engage with the community in Mixbury—this is a good example of failure to engage—on the question of adequate noise mitigation. The community is so concerned that the villagers are considering fundraising to install noise barriers themselves. I would like the House to take note of that.

New clause 24 relates to Wardington, which, like so many areas in my constituency, has an existing traffic problem. HS2 construction traffic will turn that problem into a vision of hell. The Select Committee agreed that the village would struggle to cope. We have made sensible suggestions, including the movement of spoil by conveyor over the A43 and up the haul road. The new clause asks the Secretary of State to commission a review of the problem.

New clause 25 relates to bridleways. My constituency has been repeatedly dissected over the centuries, including by the Oxford-Birmingham canal and, 29 years ago, by the building of the M40. Both brought great benefits to our area, but our bridleways have suffered. I am determined that they should not suffer again, particularly in pursuit of a scheme that brings no benefit to my constituents.

**Andy Slaughter:** Given the lack of time, I shall speak only to amendment 16, tabled in my name, which seeks to give statutory protection to Wormwood Scrubs common. I should really say "more statutory protection" because, as metropolitan open land and strategic defence land, it is already protected by an Act of Parliament. More importantly, it hosts an extraordinary range of sports and pastimes. Thousands of disabled children ride at the pony centre every year. An organisation called the Friends of Wormwood Scrubs is seeking to protect its 200 acres of semi-wilderness, which form a substantial proportion of my constituency—an area in which open spaces are at a premium.

However, in the time since HS2 was proposed, we have been asked to put a viaduct across it, and we have been told that it could be turned into formal gardens and that it could be amenity space for the luxury flats being built around the HS2 route. We are now being told that it will be a transit way for hundreds of thousands of people to walk across, which would essentially destroy this London landmark forever.

Although I clearly will not today get the protection that I am seeking, I thank the Select Committee for recognising my representations and acknowledging that they were my only representations. I say to the Government and to HS2 Ltd that it will be a crime if this open space is despoiled over the course of the development.

I wanted to make some more general comments as I think my constituency will see more development than any other. I will not say that I am as adversely affected as other hon. and right hon. Members, and some of the development is of course welcome, but if I am able to catch your eye on Third Reading, Madam Deputy Speaker, I can perhaps make some of those points then. I entirely support what my hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) and my hon. Friends the Members for Hampstead and Kilburn (Tulip Siddiq) and for Ealing Central and Acton (Dr Huq) said about the effect on their residents and businesses. As they used to be my constituents, I mention the residents of Wells House Road, Midland Terrace and Stephenson Street, whose homes will be blighted for many years to come and will be entirely surrounded by HS2 works.

I could have tabled something similar to new clause 22 asking for the Old Oak Common development to be regulated, but that should not be necessary because the London Sustainable Development Commission is there to deal with such matters. At the moment, however, it is not working. I hope that it will work under a new Mayor, because we currently have unregulated development on the site and a huge opportunity cost, which is not allowing for proper exploitation of and investment in that land.

**Mr Goodwill:** The new clauses and amendments principally concern environmental issues, which the Government take very seriously. The Bill and the environmental minimum requirements establish robust environmental controls that have proved to be an effective mechanism on other projects, such as Crossrail and the channel tunnel rail link. In addition, many of the new clauses and amendments relate to issues on which we have already provided assurances through the Select Committee process. Some comments were made during the debate, not least from the Opposition Front-Bench team, about those assurances not being worth the paper

on which they were written, but they are commitments made to Parliament by the Secretary of State and are enforced by Parliament. The process worked well for Crossrail and the channel tunnel rail link, so we do not need a belt when have more than adequate braces—or “gallusses” as we call them in my part of the world. The Select Committee process led to nearly 400 alterations to the scheme and provided some 1,600 assurances and undertakings to those affected by HS2.

I specifically want to touch on new clause 22, relating to the development of an integrated station at Euston, and I was pleased that the hon. and learned Member for Holborn and St Pancras (Keir Starmer) managed to catch your eye, Madam Deputy Speaker. We share an ambition for the integrated redevelopment of Euston station and assurances have been provided to the London Borough of Camden. Indeed, I recently met the leader of the council to discuss such matters. Work is already under way regarding the commitments given in the assurances to Camden, Transport for London and the Greater London Authority on the overall integration of works at Euston and the co-ordination with Crossrail 2. I can also confirm that funding is available to progress initial feasibility work for the preparation of an outline masterplan for Euston station, which includes the classic, Network Rail element of the station.

**Andrew Bridgen:** Will the Minister inform the House how many conventional platforms will have to be sacrificed at Euston to accommodate HS2?

**Mr Goodwill:** We have made it quite clear that phasing the development of the high-speed platforms at Euston will give us the opportunity to carry out some of that work, and we have changed the phasing to make it possible to operate other services into Euston. Indeed, we estimate that around a third of HS2 passengers will alight at Old Oak Common and use the Elizabeth line to access central London or Heathrow. While I recognise the desire to highlight the importance of such issues through new clause 22, legislation is unnecessary for Euston when progress has been and is being made.

Transparency was mentioned by several hon. Members, including my hon. Friend the Member for Banbury (Victoria Prentis), and we have appointed a residents commissioner to hold HS2 Ltd to account for how it communicates with residents and have committed to appoint a construction commissioner to deal with complaints that cannot be addressed by HS2 Ltd and its contractors. I hope that also reassures my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve).

On the Chilterns area of outstanding natural beauty review group, we have already committed to establish a Chilterns AONB group.

4.15 pm

**Mr Grieve:** Will the Minister give way?

**Mr Goodwill:** I must make progress because we have only a minute left. On residential demolitions, we have committed to, and are progressing with Camden Council on, the replacement of all lost social housing in Euston as a result of HS2. On the prohibition of vehicles, an issue raised by my right hon. Friend the Member for Meriden (Mrs Spelman) and my hon. Friend the Member

for Banbury, the Bill already requires local authorities to approve local routes, so the amendment on that is unnecessary.

Many of the proposed new clauses and amendments would duplicate existing obligations already made to Parliament, and I do not believe it necessary to include them in the Bill. I therefore urge hon. Members to reject the proposed new clauses, new schedules and amendments.

**Mrs Gillan:** In the light of the unsatisfactory reply from the Minister and the fact that he has relied again on saying that his appointees are adequate for the scrutiny of this project, I will have no other choice than to push new clause 8, which deals with the office of the HS2 adjudicator, to a vote. As for new clause 6, I beg to ask leave to withdraw the clause.

*Clause, by leave, withdrawn.*

4.16 pm

*Two hours having elapsed since the commencement of proceedings on consideration, the proceedings were interrupted. (Programme Order, 22nd March)*

*The Deputy Speaker put forthwith the Questions necessary for the disposal of the business at that time (Standing Order No. 83E).*

### New Clause 8

#### OFFICE OF THE HS2 ADJUDICATOR

(1) There is to be a body corporate known as the Office of the HS2 Adjudicator hereinafter referred to as “the Adjudicator”.

(2) Schedule [Adjudicator: status and funding] (which makes further provision about the Adjudicator) shall have effect.

(3) The Adjudicator has the functions conferred on it by or under any enactment.

(4) Those functions include—

- (a) enforced functions
- (b) inspection functions,
- (c) information functions.

(5) The main objective of the Adjudicator in performing its functions is to protect the natural environment and communities impacted by the construction and operation of Phase 1 of High Speed 2.

(6) The Adjudicator is to perform its functions for the general purpose of securing—

- (a) the minimisation of adverse impacts on communities and the natural environment situated in locations affected by the construction or operation of Phase 1 of HS2,
- (b) the provision of additional mitigation measures in the event the environmental impacts of the operation of HS2 are worse than as set out in the environmental statement prepared in accordance with section 66(4).” —(*Mrs Gillan.*)

*Brought up.*

*Question put, That the clause be added to the Bill.*

*The House divided: Ayes 43, Noes 245.*

**Division No. 229]**

**[4.16 pm**

#### AYES

Afriyie, Adam	Fabricant, Michael
Baker, Mr Steve	Farrelly, Paul
Bone, Mr Peter	Flynn, Paul
Brady, Mr Graham	Gillan, rh Mrs Cheryl
Carswell, Mr Douglas	Grieve, rh Mr Dominic
Cash, Sir William	Hoey, Kate
Cunningham, Mr Jim	Hollobone, Mr Philip
Edwards, Jonathan	Hopkins, Kelvin
Elliott, Tom	Huq, Dr Rupa

Kinahan, Danny  
Lamb, rh Norman  
Lefroy, Jeremy  
Loughton, Tim  
Lucas, Caroline  
Mulholland, Greg  
Nuttall, Mr David  
Prentis, Victoria  
Pugh, John  
Redwood, rh John  
Ritchie, Ms Margaret  
Robertson, Mr Laurence  
Robinson, Mr Geoffrey  
Saville Roberts, Liz

Sheerman, Mr Barry  
Siddiq, Tulip  
Skinner, Mr Dennis  
Spelman, rh Mrs Caroline  
Starmer, Keir  
Tracey, Craig  
Turner, Mr Andrew  
Tyrie, rh Mr Andrew  
White, Chris  
Williams, Hywel  
Williams, Mr Mark

**Tellers for the Ayes:**  
**Mrs Anne Main and**  
**Andrew Bridgen**

#### NOES

Aldous, Peter  
Allan, Lucy  
Allen, Heidi  
Amess, Sir David  
Andrew, Stuart  
Ansell, Caroline  
Argar, Edward  
Atkins, Victoria  
Bacon, Mr Richard  
Baldwin, Harriett  
Barwell, Gavin  
Bebb, Guto  
Benyon, Richard  
Berry, Jake  
Bingham, Andrew  
Blackman, Bob  
Blunt, Crispin  
Boles, Nick  
Brazier, Mr Julian  
Brine, Steve  
Brokenshire, rh James  
Buckland, Robert  
Burns, Conor  
Burns, rh Sir Simon  
Burrowes, Mr David  
Burt, rh Alistair  
Cairns, Alun  
Cameron, rh Mr David  
Carmichael, Neil  
Cartledge, James  
Caulfield, Maria  
Chalk, Alex  
Chishti, Rehman  
Churchill, Jo  
Clark, rh Greg  
Clarke, rh Mr Kenneth  
Cleverly, James  
Coffey, Dr Thérèse  
Collins, Damian  
Colville, Oliver  
Costa, Alberto  
Crabb, rh Stephen  
Davies, Byron  
Davies, Chris  
Davies, David T. C.  
Davies, Glyn  
Davies, Dr James  
Davies, Mims  
Dinenage, Caroline  
Djanogly, Mr Jonathan  
Dodds, rh Mr Nigel  
Double, Steve  
Dowden, Oliver  
Doyle-Price, Jackie  
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  
Evennett, rh Mr David  
Fallon, rh Michael  
Fernandes, Suella  
Field, rh Mark  
Foster, Kevin  
Francois, rh Mr Mark  
Frazer, Lucy  
Freeman, George  
Freer, Mike  
Fuller, Richard  
Fysh, Marcus  
Gale, Sir Roger  
Garnier, rh Sir Edward  
Garnier, Mark  
Gauke, Mr David  
Ghani, Nusrat  
Gibb, Mr Nick  
Glen, John  
Goodwill, Mr Robert  
Gove, rh Michael  
Graham, Richard  
Grant, Mrs Helen  
Grayling, rh Chris  
Green, Chris  
Green, rh Damian  
Greening, rh Justine  
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  
Haselhurst, rh Sir Alan  
Hayes, rh Mr John  
Heald, Sir Oliver  
Heapey, James  
Heaton-Jones, Peter  
Henderson, Gordon  
Herbert, rh Nick

Hinds, Damian  
Hoare, Simon  
Hollingbery, George  
Hollinrake, Kevin  
Holloway, Mr Adam  
Hopkins, Kris  
Howarth, Sir Gerald  
Howell, John  
Howlett, Ben  
Huddleston, Nigel  
Jackson, Mr Stewart  
James, Margot  
Javid, rh Sajid  
Jayawardena, Mr Ranil  
Jenkin, Mr Bernard  
Jenkyns, Andrea  
Jenrick, Robert  
Johnson, Gareth  
Johnson, Joseph  
Jones, Andrew  
Jones, rh Mr David  
Jones, Mr Marcus  
Kawczynski, Daniel  
Kennedy, Seema  
Kirby, Simon  
Knight, rh Sir Greg  
Knight, Julian  
Kwarteng, Kwasi  
Lancaster, Mark  
Latham, Pauline  
Leslie, Charlotte  
Letwin, rh Mr Oliver  
Lewis, Brandon  
Lilley, rh Mr Peter  
Lumley, Karen  
Mackinlay, Craig  
Mackintosh, David  
Malthouse, Kit  
Mann, Scott  
Mathias, Dr Tania  
May, rh Mrs Theresa  
Maynard, Paul  
McCartney, Jason  
McCartney, Karl  
McLoughlin, rh Mr Patrick  
Menzies, Mark  
Mercer, Johnny  
Merriman, Huw  
Metcalf, Stephen  
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  
Osborne, rh Mr George  
Parish, Neil  
Patel, rh Priti  
Penrose, John  
Perry, Claire  
Philp, Chris

Poulter, Dr Daniel  
Pow, Rebecca  
Prisk, Mr Mark  
Pursglove, Tom  
Quince, Will  
Raab, Mr Dominic  
Rees-Mogg, Mr Jacob  
Robinson, Mary  
Rosindell, Andrew  
Rudd, rh Amber  
Rutley, David  
Scully, Paul  
Selous, Andrew  
Shannon, Jim  
Shapps, rh Grant  
Sharma, Alok  
Simpson, rh Mr Keith  
Smith, Chloe  
Smith, Henry  
Smith, Julian  
Smith, Royston  
Soames, rh Sir Nicholas  
Solloway, Amanda  
Soubry, rh Anna  
Spencer, Mark  
Stephenson, Andrew  
Stevenson, John  
Stewart, Iain  
Streeter, Mr Gary  
Stride, Mel  
Stuart, Graham  
Sturdy, Julian  
Sunak, Rishi  
Swayne, rh Mr Desmond  
Swire, rh Mr Hugo  
Thomas, Derek  
Throup, Maggie  
Timpson, Edward  
Tolhurst, Kelly  
Tomlinson, Justin  
Tomlinson, Michael  
Tredinnick, David  
Trevelyan, Mrs Anne-Marie  
Tugendhat, Tom  
Vaizey, Mr Edward  
Vera, Mr Shailesh  
Vickers, Martin  
Walker, Mr Charles  
Walker, Mr Robin  
Wallace, Mr Ben  
Warburton, David  
Warman, Matt  
Watkinson, Dame Angela  
Wharton, James  
Whately, Helen  
Whittaker, Craig  
Whittingdale, rh Mr John  
Wiggin, Bill  
Williams, Craig  
Williamson, rh Gavin  
Wilson, Mr Rob  
Wollaston, Dr Sarah  
Wood, Mike  
Wragg, William  
Zahawi, Nadhim

**Tellers for the Noes:**  
**Guy Opperman and**  
**Sarah Newton**

*Question accordingly negated.*



**New Clause 22****CONSTRUCTION OF AN INTEGRATED EUSTON STATION**

(1) The Secretary of State will require the nominated undertaker to take reasonable steps to develop integrated and comprehensive design and construction plans for Euston Station that include integration with other Euston Schemes.

(2) For the purposes of subsection (1) “reasonable steps” mean, but are not limited to, the following measures—

- (a) The nominated undertaker will seek to maximise, in so far as is reasonably practicable, the volume of excavated and construction material from the construction of the enlarged Euston Station and its approaches to be brought in and removed by rail;
- (b) The nominated undertaker will design an enlarged HS2 Euston Station having regard to all relevant parts of the Euston Area Plan and any other relevant Opportunity Area Frameworks or Guidance,
- (c) The nominated undertaker will be required to participate in the Euston Strategic Board, which shall comprise representatives from the Department for Transport, HS2 Limited, the London Borough of Camden, the Greater London Authority, Transport for London, and in any successor or additional future governance arrangements which may be agreed between the London Borough of Camden, and the Greater London Authority and Transport for London from time to time,
- (d) The nominated undertaker will be required to participate in a Euston Station Strategic Redevelopment Board which shall have the same membership as specified in subsection (2)(c), with the addition of Network Rail and any successor network and station operators, designated under Section 8 of the Railways Act 1993 and having responsibility for Euston Main Line Station or rail tracks that connect to that station,
- (e) The Euston Station Strategic Redevelopment Board will advise the Secretary of State on the delivery of an integrated and comprehensive design for the enlarged Euston Station and other Euston Schemes, alongside other duties which may be set out in its Terms of Reference which may be updated from time to time;
- (f) The nominated undertaker will be required to participate in a Euston Integrated Programme Board, the membership of which shall include the organisations specified in subsection (2)(b);
- (g) The Euston Integrated Programme Board shall have responsibility for managing the integration of the nominated undertaker’s Euston Station design and construction work plans with proposals for other Euston Schemes;
- (h) The nominated undertaker will be required to take all reasonable steps to maintain public access to Euston Station and through construction sites that are established for Phase One purposes, including for cyclists and pedestrians;
- (i) Where it is not reasonably practicable to maintain public access under subsection (2)(h), the nominated undertaker shall identify alternative measures to maintain public access and implement them where it is reasonable;
- (j) The nominated undertaker will be required to participate in a Euston Station Design Panel and use reasonable endeavours to agree the chairperson and other members jointly with Camden London Borough Council, Transport for London and the Greater London Authority, and Network Rail or any successor network operator as defined in subsection (2)(d);
- (k) The Secretary of State will require the nominated undertaker to have regard to all recommendations made by the Euston Station Design Panel regarding

the nominated undertaker’s ongoing design work for Euston Station,

- (l) If requested to do so by the Euston Station Design Panel, the Secretary of State will require the nominated undertaker to notify Camden London Borough Council and the Greater London Authority of the full reasons for failing to incorporate into its design work any changes recommended by the Euston Station Design Panel,
  - (m) The nominated undertaker will make provision for ongoing community engagement during the construction works for the enlarged Euston Station,
  - (n) Details of the funding expected to be required to rebuild Euston Main Line Station shall be set out when the Secretary of State’s duties are fulfilled under paragraph 1(D)(1) of Schedule 4A to the Railways Act 1993 in respect of the review periods preceding the rebuild of Euston Main Line Station and the review periods during which the rebuild of Euston Main Line Station is expected to take place,
- (3) For the purposes of subsection (1), “Euston Schemes” shall be taken to mean—
- (a) The enlarged Euston Station as referred to in Schedule 1 to this Act,
  - (b) The rebuild of the Euston Main Line Station,
  - (c) Over site development and related development opportunities above the Euston Station and tracks in line with the Euston Area Plan; and
  - (d) Additional proposals for new subterranean railways that may be introduced by the Greater London Authority or Transport for London during the Phase One construction period.
- (4) Nothing in this section shall override other limitations imposed by this Act.”—(Andy McDonald.)

*Brought up.*

*Question put, That the clause be added to the Bill.*

*The House divided: Ayes 190, Noes 254.*

**Division No. 230]**

**[4.27 pm**

**AYES**

Abrahams, Debbie	Corbyn, rh Jeremy
Alexander, Heidi	Cox, Jo
Ali, Rushanara	Coyle, Neil
Anderson, Mr David	Creagh, Mary
Ashworth, Jonathan	Creasy, Stella
Barron, rh Kevin	Cruddas, Jon
Beckett, rh Margaret	Cryer, John
Benn, rh Hilary	Cunningham, Alex
Berger, Luciana	Cunningham, Mr Jim
Blackman-Woods, Dr Roberta	Dakin, Nic
Blenkinsop, Tom	Danczuk, Simon
Blomfield, Paul	De Piero, Gloria
Bradshaw, rh Mr Ben	Doughty, Stephen
Brake, rh Tom	Dowd, Jim
Brennan, Kevin	Dowd, Peter
Brown, Lyn	Dromey, Jack
Brown, rh Mr Nicholas	Eagle, Ms Angela
Buck, Ms Karen	Eagle, Maria
Burden, Richard	Edwards, Jonathan
Burgon, Richard	Efford, Clive
Butler, Dawn	Elliott, Julie
Byrne, rh Liam	Ellman, Mrs Louise
Cadbury, Ruth	Evans, Chris
Campbell, rh Mr Alan	Farrelly, Paul
Campbell, Mr Ronnie	Fitzpatrick, Jim
Champion, Sarah	Fletcher, Colleen
Chapman, Jenny	Flint, rh Caroline
Coaker, Vernon	Flynn, Paul
Cooper, Julie	Fovargue, Yvonne
Cooper, rh Yvette	Foxcroft, Vicky

Gapes, Mike  
 Gardiner, Barry  
 Gillan, rh Mrs Cheryl  
 Glass, Pat  
 Glindon, Mary  
 Green, Kate  
 Greenwood, Lilian  
 Greenwood, Margaret  
 Grieve, rh Mr Dominic  
 Griffith, Nia  
 Hamilton, Fabian  
 Harris, Carolyn  
 Hayes, Helen  
 Hayman, Sue  
 Hepburn, Mr Stephen  
 Hillier, Meg  
 Hodgson, Mrs Sharon  
 Hoey, Kate  
 Hopkins, Kelvin  
 Howarth, rh Mr George  
 Hunt, Tristram  
 Huq, Dr Rupa  
 Hussain, Imran  
 Jarvis, Dan  
 Johnson, rh Alan  
 Jones, Gerald  
 Jones, Susan Elan  
 Kaufman, rh Sir Gerald  
 Keeley, Barbara  
 Kendall, Liz  
 Kinnock, Stephen  
 Kyle, Peter  
 Lamb, rh Norman  
 Lavery, Ian  
 Lefroy, Jeremy  
 Leslie, Chris  
 Lewell-Buck, Mrs Emma  
 Lewis, Clive  
 Long Bailey, Rebecca  
 Lucas, Caroline  
 Mactaggart, rh Fiona  
 Madders, Justin  
 Mahmood, Shabana  
 Malhotra, Seema  
 Mann, John  
 Marris, Rob  
 Marsden, Mr Gordon  
 Maskell, Rachael  
 Matheson, Christian  
 McCabe, Steve  
 McCarthy, Kerry  
 McDonagh, Siobhain  
 McDonald, Andy  
 McDonnell, Dr Alasdair  
 McFadden, rh Mr Pat  
 McGinn, Conor  
 McGovern, Alison  
 McInnes, Liz  
 Meale, Sir Alan  
 Mearns, Ian  
 Moon, Mrs Madeleine  
 Morden, Jessica  
 Morris, Grahame M.  
 Mulholland, Greg  
 Murray, Ian  
 Nandy, Lisa  
 Nuttall, Mr David

Onn, Melanie  
 Onwurah, Chi  
 Osamor, Kate  
 Owen, Albert  
 Pearce, Teresa  
 Pennycook, Matthew  
 Phillips, Jess  
 Powell, Lucy  
 Prentis, Victoria  
 Pugh, John  
 Qureshi, Yasmin  
 Rayner, Angela  
 Reed, Mr Jamie  
 Reed, Mr Steve  
 Rees, Christina  
 Reeves, Rachel  
 Reynolds, Emma  
 Reynolds, Jonathan  
 Rimmer, Marie  
 Ritchie, Ms Margaret  
 Robinson, Mr Geoffrey  
 Saville Roberts, Liz  
 Sharma, Mr Virendra  
 Sheerman, Mr Barry  
 Sherriff, Paula  
 Shuker, Mr Gavin  
 Siddiq, Tulip  
 Skinner, Mr Dennis  
 Slaughter, Andy  
 Smeeth, Ruth  
 Smith, rh Mr Andrew  
 Smith, Angela  
 Smith, Cat  
 Smith, Nick  
 Smyth, Karin  
 Starmer, Keir  
 Stevens, Jo  
 Streeting, Wes  
 Stringer, Graham  
 Tami, Mark  
 Thomas, Mr Gareth  
 Thomas-Symonds, Nick  
 Thornberry, Emily  
 Timms, rh Stephen  
 Tracey, Craig  
 Trickett, Jon  
 Turley, Anna  
 Twigg, Derek  
 Twigg, Stephen  
 Umunna, Mr Chuka  
 Vaz, rh Keith  
 Vaz, Valerie  
 West, Catherine  
 White, Chris  
 Whitehead, Dr Alan  
 Williams, Hywel  
 Williams, Mr Mark  
 Wilson, Phil  
 Winnick, Mr David  
 Winterton, rh Dame Rosie  
 Woodcock, John  
 Wright, Mr Iain  
 Zeichner, Daniel

**Tellers for the Ayes:**  
**Jeff Smith and**  
**Judith Cummins**

**NOES**

Aldous, Peter  
 Allan, Lucy

Allen, Heidi  
 Amess, Sir David

Andrew, Stuart  
 Ansell, Caroline  
 Argar, Edward  
 Atkins, Victoria  
 Bacon, Mr Richard  
 Baldwin, Harriett  
 Barwell, Gavin  
 Bebb, Guto  
 Benyon, Richard  
 Berry, Jake  
 Bingham, Andrew  
 Blackman, Bob  
 Blunt, Crispin  
 Boles, Nick  
 Bone, Mr Peter  
 Borwick, Victoria  
 Brazier, Mr Julian  
 Bridgen, Andrew  
 Brine, Steve  
 Brokenshire, rh James  
 Buckland, Robert  
 Burns, Conor  
 Burns, rh Sir Simon  
 Burrowes, Mr David  
 Burt, rh Alistair  
 Cairns, Alun  
 Cameron, rh Mr David  
 Carmichael, Neil  
 Carswell, Mr Douglas  
 Cartledge, James  
 Caulfield, Maria  
 Chalk, Alex  
 Chishti, Rehman  
 Churchill, Jo  
 Clark, rh Greg  
 Clarke, rh Mr Kenneth  
 Cleverly, James  
 Coffey, Dr Thérèse  
 Collins, Damian  
 Colvile, Oliver  
 Costa, Alberto  
 Crabb, rh Stephen  
 Davies, Byron  
 Davies, Chris  
 Davies, David T. C.  
 Davies, Glyn  
 Davies, Dr James  
 Davies, Mims  
 Dinenage, Caroline  
 Djanogly, Mr Jonathan  
 Dodds, rh Mr Nigel  
 Double, Steve  
 Dowden, Oliver  
 Doyle-Price, Jackie  
 Drummond, Mrs Flick  
 Duddridge, James  
 Duncan, rh Sir Alan  
 Duncan Smith, rh Mr Iain  
 Dunne, Mr Philip  
 Elliott, Tom  
 Ellis, Michael  
 Ellison, Jane  
 Ellwood, Mr Tobias  
 Elphicke, Charlie  
 Eustice, George  
 Evans, Graham  
 Evennett, rh Mr David  
 Fallon, rh Michael  
 Fernandes, Suella  
 Field, rh Mark  
 Foster, Kevin  
 Francois, rh Mr Mark

Frazer, Lucy  
 Freeman, George  
 Freer, Mike  
 Fuller, Richard  
 Fysh, Marcus  
 Gale, Sir Roger  
 Garnier, rh Sir Edward  
 Garnier, Mark  
 Gauke, Mr David  
 Ghani, Nusrat  
 Gibb, Mr Nick  
 Glen, John  
 Goodwill, Mr Robert  
 Gove, rh Michael  
 Graham, Richard  
 Grant, Mrs Helen  
 Grayling, rh Chris  
 Green, Chris  
 Green, rh Damian  
 Greening, rh Justine  
 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  
 Haselhurst, rh Sir Alan  
 Hayes, rh Mr John  
 Heald, Sir Oliver  
 Heapey, James  
 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  
 Jackson, Mr Stewart  
 James, Margot  
 Javid, rh Sajid  
 Jayawardena, Mr Ranil  
 Jenkin, Mr Bernard  
 Jenkyns, Andrea  
 Jenrick, Robert  
 Johnson, Gareth  
 Johnson, Joseph  
 Jones, Andrew  
 Jones, rh Mr David  
 Jones, Mr Marcus  
 Kawczynski, Daniel  
 Kennedy, Seema  
 Kinahan, Danny  
 Kirby, Simon  
 Knight, rh Sir Greg  
 Knight, Julian  
 Kwarteng, Kwasi  
 Lancaster, Mark  
 Latham, Pauline  
 Leslie, Charlotte

Letwin, rh Mr Oliver  
 Lewis, Brandon  
 Lilley, rh Mr Peter  
 Lumley, Karen  
 Mackinlay, Craig  
 Mackintosh, David  
 Malthouse, Kit  
 Mann, Scott  
 Mathias, Dr Tania  
 May, rh Mrs Theresa  
 Maynard, Paul  
 McCartney, Jason  
 McCartney, Karl  
 McLoughlin, rh Mr Patrick  
 Menzies, Mark  
 Mercer, Johnny  
 Merriman, Huw  
 Metcalfe, Stephen  
 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  
 Osborne, rh Mr George  
 Parish, Neil  
 Patel, rh Priti  
 Penrose, John  
 Perry, Claire  
 Philp, Chris  
 Poulter, Dr Daniel  
 Pow, Rebecca  
 Prisk, Mr Mark  
 Pursglove, Tom  
 Quince, Will  
 Raab, Mr Dominic  
 Redwood, rh John  
 Rees-Mogg, Mr Jacob  
 Robertson, Mr Laurence  
 Robinson, Mary  
 Rosindell, Andrew  
 Rudd, rh Amber  
 Rutley, David  
 Scully, Paul  
 Selous, Andrew  
 Shannon, Jim  
 Shapps, rh Grant

Sharma, Alok  
 Simpson, rh Mr Keith  
 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, Iain  
 Streeter, Mr Gary  
 Stride, Mel  
 Stuart, Graham  
 Sturdy, Julian  
 Sunak, Rishi  
 Swayne, rh Mr Desmond  
 Swire, rh Mr Hugo  
 Thomas, Derek  
 Throup, Maggie  
 Timpson, Edward  
 Tolhurst, Kelly  
 Tomlinson, Justin  
 Tomlinson, Michael  
 Tredinnick, David  
 Trevelyan, Mrs Anne-Marie  
 Tugendhat, Tom  
 Vaizey, Mr Edward  
 Vara, Mr Shailesh  
 Vickers, Martin  
 Walker, Mr Charles  
 Walker, Mr Robin  
 Wallace, Mr Ben  
 Warburton, David  
 Warman, Matt  
 Watkinson, Dame Angela  
 Wharton, James  
 Whately, Helen  
 Whittaker, Craig  
 Whittingdale, rh Mr John  
 Wiggin, Bill  
 Williams, Craig  
 Williamson, rh Gavin  
 Wilson, Mr Rob  
 Wollaston, Dr Sarah  
 Wood, Mike  
 Wragg, William  
 Zahawi, Nadhim

**Tellers for the Noes:**  
 Sarah Newton and  
 Guy Opperman

*Question accordingly negatived.*

*Third Reading*

*Queen's consent signified.*

**Madam Deputy Speaker (Natascha Engel):** I inform the House that the amendments on the Order Paper have not been selected.

4.39 pm

**Mr McLoughlin:** I beg to move, That the Bill be now read the Third time.

Our railways and roads power our economy. It is almost two centuries since this House gave its backing to the pioneering railway from London to Birmingham—a

line that changed our country, and on which many of our great cities still rely today. Of course, we could leave it as it is for another two centuries—congested and unreliable—and suffer the consequences in lost growth, lost jobs and lost opportunities, particularly in the midlands and the north. However, the House has already shown that it can do much better than that, by backing a new high-speed route, alongside other transport investments in road and rail access across the country.

In 2013, Parliament passed the High Speed Rail (Preparation) Act 2013, paving the way for HS2. That was backed by welcome support and co-operation from all parts of the House, for which I thank all parties. We have made outstanding progress since then. British contractors are bidding to build the line. British apprentices are waiting to work on it. British cities are waiting to benefit from it. That is why today's vote is so important.

**Paul Farrelly** (Newcastle-under-Lyme) (Lab): Will the Secretary of State give way?

**Mr McLoughlin:** If the hon. Gentleman will forgive me, a lot of people have been here all afternoon. We have a fairly short period for Third Reading, and I want to give other people the opportunity to speak.

On what will be a Great British railway, phase 1 will be the bedrock of the new network. Phase 2a will take it to Crewe. Phase 2b will take it onwards to Manchester and Leeds.

Our trains are more than twice as busy as they were 20 years ago, and growth will continue. HS2 will help us to cope. It will work, it will be quick, it will be reliable, it will be safe and it will be clean. When it is finished, we will wonder why we took so long in getting around to building it.

Many hon. Members will want to speak, so I will keep my remaining remarks short. I will touch on the detail of the Bill. I will also set out the work that has been done on the environment; then I want to describe what will come next, including what we are doing to build skills and manage costs.

First, the Bill authorises the first stage of HS2, from London to Birmingham. The Bill has undergone more than two years of intense parliamentary scrutiny since 2013. Even before the phase 1 Bill was introduced, the principles of HS2 were extensively debated on the Floor of the House. In April 2014, we had the Second Reading of the phase 1 Bill.

There was then a special Select Committee. I thank all members of the Committee, particularly my hon. Friend the Member for Poole (Mr Syms), who chaired it so ably. I also pay special tribute to my hon. Friends the Members for North West Norfolk (Sir Henry Bellingham) and for Worthing West (Sir Peter Bottomley), who, along with my hon. Friend the Member for Poole, sat on it for the whole Committee stage.

The Committee heard over 1,500 petitions during 160 sittings. It sat for over 700 hours, and over 15,000 pieces of evidence were provided to it. It published its second special report on 22 February this year. The Government published their response, accepting the Committee's recommendations.

Many of the changes made to the scheme in the Select Committee related to the environmental impacts. Building any road or rail link has impacts, but we will

[Mr McLoughlin]

build this link carefully, and we will build it right. For example, HS2 Ltd has today started to procure up to 7 million trees to plant alongside the line to help it blend in with the landscape. The changes made in Select Committee will mean less land-take, more noise barriers and longer tunnels.

**Rebecca Pow:** I totally understand the economic reasons for this project, but may I just put in a bid for nature and for ancient woodland to be given the reverence it deserves? Much of it is already going to be undermined and threatened, so will the Secretary of State please ensure that this irreplaceable habitat is given all the reverence it deserves?

**Mr McLoughlin:** I can assure my hon. Friend that, as I think I have shown, given the time taken in Select Committee, the way in which procedures can be put in place and the way in which the Woodland Trust appeared before the Select Committee to make its case, that that will be taken into account. As I have said, the planting of new trees is an important part of the work that has been done.

We have done a huge amount to assess the environmental impacts. More than 50,000 pages of environmental assessments have been provided to the House. We have produced a statement of reasons setting out why we believe it is correct to proceed with HS2. That information is important to ensure that the House makes its decisions to support this vital project in the light of the environmental effects.

I expect construction of HS2 phase 1, between London and Birmingham, to begin next year. To enable that, HS2 Ltd has this morning announced that nine firms have now been shortlisted for the civil engineering contracts for the line. Those contracts alone will create more than 14,000 jobs, and we want those jobs to be British jobs. That is why the HS2 skills college, with sites in Birmingham and Doncaster, will open its doors next year, to train our young people to take up those opportunities.

It is not all about jobs; it is also about materials. HS2 will need approximately 2 million tonnes of steel over the next 10 years, and we are already holding discussions with UK suppliers to make sure that they are in the best possible position to win those contracts.

Later this year, I will set out my decisions on HS2 phase 2. As that happens, we must have a firm grip on costs. The November 2015 spending review confirmed a budget for the whole of HS2 of £55.7 billion at 2015 prices. HS2 is a major commitment of public money, but it is an investment that Britain must make, and it can afford to do so: the cost of HS2 equates to about 0.14% of UK GDP in the spending review period.

I respect the fact that there are those in this House who take a different view of the project, but it is about the future of our nation. It is a bold new piece of infrastructure that will be open to passengers in just 10 years' time. This is about giving strength not just to the north, but to the midlands. Today I can get a high-speed train to Paris and other parts of Europe, but not to Birmingham, Manchester, Leeds or Scotland. This is about boosting the links to the midlands manufacturing heartland and the connections to Leeds, York, the north-east and Edinburgh, and to the north-west, Liverpool, Manchester and Glasgow. It is about making

HS2 a part of our national rail network, including Euston, where we are not only building a world-class high-speed rail station, but funding work by Network Rail to prepare for the masterplan for Euston station, which is an important step forward in our vision of an integrated hub that will enhance the area. At Old Oak Common, I have agreed to the transfer of land to the development corporation, paving the way for more than of 25,000 new homes and 65,000 jobs.

High Speed 2 is a measure of our ambition as a country and of our willingness to look beyond the immediate future and to take a hard-headed view of what we need to succeed as a nation. This is a railway that will unlock that future. I urge colleagues to support the Bill's Third Reading, as they have done to date, and the carry-over motions so that it can continue its passage in the next Session.

I commend the Bill to the House.

**Several hon. Members** *rose*—

**Madam Deputy Speaker (Natascha Engel):** Order. I remind hon. Members that we have only half an hour to debate Third Reading and an awful lot of Members wish to speak, so there will be a speech limit of three minutes on all Back-Bench contributions in the hope that we can get as many people in as possible. If you use less time, everybody will be grateful.

4.47 pm

**Lilian Greenwood** (Nottingham South) (Lab): Today's proceedings mark the end of a long process and I am sure the House will want to express its gratitude to all those who served on the Bill Select Committee, the Clerks and all those who petitioned or who assisted the petitioners in making their case. The project has undoubtedly been improved by the parliamentary scrutiny it has received. I thank my hon. Friend the Member for Middlesbrough (Andy McDonald), who represented the Opposition with great skill in the Public Bill Committee and on Report.

HS2 is a Labour project. When the high-speed rail Command Paper was published in March 2010, the urgent need for greater capacity on our rail network was at its heart. Since that paper was published, passenger numbers have grown by a third. Punctuality has declined as the constraints on our existing infrastructure grow. The case for HS2 was based on the assumption that passenger demand would grow by 2.2% a year; in reality, the average is more than 5%. The case for HS2 has not weakened in the past six years—it has grown stronger and more urgent.

Our north-south lines are testing the limits of their capacity. The midland main line has been officially designated as “congested infrastructure” and freight services are being turned away. The east coast operator has said that

“this route faces track capacity limit.”

Nowhere is our capacity shortfall more keenly felt than on the west coast main line between London and Birmingham, which is the most congested part of the busiest and most complex mixed-use line in Europe, carrying a quarter of all passengers and freight. At least £9 billion was spent on a hugely disruptive modernisation package for the line, and it did not deliver the benefits we were promised. Just a few years on, we have used up almost all the extra capacity, and even if we lengthened

every train and converted every first-class carriage to standard, that would not be enough and it would not enable us to run a single extra train. On some sections of the west coast main line, the notorious curves and gradients are pre-Victorian, and they cannot be altered. We have reached the practical limits of the existing infrastructure, and new signalling would have limited benefits on such a busy route, where inter-city commuter and freight services all compete for scarce paths. The scale of the capacity challenge requires us to take action. Commuter services have already been cut back in the west midlands and on the approaches to Manchester because of a lack of capacity on our main lines.

**Paul Farrelly:** Does my hon. Friend recognise that in its current form, the Bill does not satisfy the concerns of north Staffordshire? There is no connectivity with or stop for Stoke-on-Trent, which is a far greater conurbation with a bigger economy than that of Crewe.

**Lilian Greenwood:** I am sure that my hon. Friend appreciates that the Bill deals with the creation of the line between London and Birmingham. I am sure that we will return to questions of connectivity when we reach phase 2.

As I was saying, freight operators are turned away, forcing lorries on to our already congested motorways. That has real consequences for our ability to meet our greenhouse gas emissions targets. I have visited places in the areas that my hon. Friend talked about south of Stoke where local stations have closed, not 50 years ago under Dr Beeching but in the last decade after paths for local services were reassigned.

Some might ask why we are investing in new infrastructure when sections of the existing network need to be upgraded, as, of course, they must be. The Great Western electrification scheme, the costs of which have risen by more than 400% in just five years, is a sobering reminder that route upgrades are no panacea. We could spend an equivalent sum on a conventional modernisation programme, but it would lead to 2,000 weekends of closure and misery for passengers, and it would trigger enormous compensation payments to train operators. At the end of such a project, a conventional upgrade would deliver less than half the additional capacity of a new line. By contrast, new build infrastructure is more resilient and it will allow us to integrate high-speed rail with existing lines, revolutionising journeys between cities directly on the route and beyond it.

That potential is reflected in the support for this project not just from the leaders of Birmingham, Manchester, Nottingham, Sheffield and Leeds, but from those of Liverpool, Bristol, Newcastle, Cardiff and Glasgow. After billions has been invested in Thameslink, Reading, HS1 and Crossrail, this project is about building 21st-century infrastructure in the midlands and the north, not just London and the south-east. It will support jobs and skills through our world-class rail supply chain at Hitachi in Newton Aycliffe, Bombardier in Derby, the training colleges in Doncaster and Birmingham, and the hundreds of small and medium-sized enterprises across the country that support the construction and maintenance of tracks and trains.

We urgently need better connections and more capacity, and HS2 is the right project to provide them. There are, however, questions that need to be answered about the Government's stewardship of the scheme. HS2 was

always conceived of as a wider network, and Ministers were due to confirm the phase 2 route at the end of 2014, but that deadline has slipped by two years. That is compounding planning blight for residents, prolonging uncertainty about station locations and warding off private sector investment. It is incumbent on Ministers to confirm their plans for high-speed rail in the midlands and the north.

We have heard today about the Government's inadequate treatment of Euston. The 1960s station is no longer fit for purpose. With 10 million more passengers a year using Euston than in 2010—a staggering increase of 43%—it is clear that a rebuild would be needed even without HS2. We urgently need a plan for a comprehensive redevelopment of Euston station, but four times HS2 Ltd has presented different plans for the site, all of which would lead to years of disruption for residents and businesses.

I have been glad to work with the Labour leadership of Camden Council to help to win a series of assurances from the Government on the removal of construction materials by rail rather than road, the development of a plan for an integrated station design and support for affordable housing provision. However, the reality still falls a long way short of the Chancellor's rhetoric, and it is deeply disappointing that Ministers voted against our amendment on the matter. The Opposition will, no doubt, come back to that in the other place.

To conclude, as well as putting on the record my appreciation of the role played by my hon. Friends the Members for Middlesbrough and for Stalybridge and Hyde (Jonathan Reynolds), who served as shadow rail Ministers during the passage of the Bill, I want to record my appreciation of my predecessors as shadow Secretary of State, my hon. Friends the Members for Garston and Halewood (Maria Eagle), for Wakefield (Mary Creagh) and for Barnsley East (Michael Dugher), who all showed great constancy, even when there were reports of leaves on the line.

HS2 is essential for meeting our capacity challenge and rebalancing the economic geography of the UK. I will vote for the Bill today, and I encourage hon. Members on both sides of the House to do the same.

4.55 pm

**Mrs Gillan:** I have three minutes to sum up six years of hell for my constituents in Chesham and Amersham.

I pay tribute to the dignity and persistence of my constituents, who have remained committed to positive change in the face of great adversity. Those individuals are too numerous to mention, but they include my dedicated constituency staff, our local councils at all levels, our environmental and community organisations, the Clerks of the House—they have been tremendous—and colleagues who have served on both the Committees on the Bill.

I thank colleagues who have stood four-square with me, despite all the pressures that have been brought to bear on them when I have opposed the project. We have succeeded in making some positive changes that will make a real difference to people's lives. The two extensions to the Chilterns tunnels are very important; the improvements to the "need to sell" scheme are also significant; and even the Chilterns AONB review panel, if it comes about, is important—to name but three aspects of the project.

[Mrs Gillan]

However, HS2 is being built on the backs of my constituents, who are losing their homes, their businesses, their peaceful retirement, their health and their communities. The Prime Minister promised me the most environmentally friendly Government ever and that compensation for people affected by HS2 would be fair and generous. This project will still cause damage along over 8 km of the line through a nationally designated, environmentally protected area, and many of my constituents are still fighting for fair treatment and compensation. They would not use the words “fair” and “generous” about the compensation.

For all the inequitable and atrocious handling of the project, for the poor value for money for the taxpayer, for the inadequate integration of the project and for the damage it will cause my constituency and constituents, I will vote against the Bill again this afternoon. I urge hon. Members to join me in doing so. It may not achieve very much, because Labour and Conservative Members are being whipped to support the project, but at least I will be able to put my head on my pillow knowing that I have done the best by my constituents. I have tried to protect them from the ravages of a project that will consume vast amounts of taxpayers’ money and suck it out of the rest of the system. My constituents and many others up and down the line will pay disproportionately for the burden of political intransigence.

4.57 pm

**Alan Brown:** Once again, I confirm that we welcome the HS2 proposals before Parliament. We certainly welcome the wider context of the roll-out of the high-speed network, as well as the Government’s commitment, alongside that of the Scottish Government, to the aspiration for a three-hour journey time between Glasgow or Edinburgh and London. That will mean a quicker point-to-point journey time compared with using Gatwick or Heathrow airports. It will bring obvious environmental benefits and, clearly, much greater choice for air travellers.

I welcome the release earlier this week of the broad options report, which was commissioned by both Governments. It is important to develop these options as soon as possible to achieve shorter journey times to Scotland. In Scotland, the Scottish Government have confirmed their commitment to rail investment with the construction of the Borders rail line, which is the longest rail line to be constructed in the UK since Victorian times. As we have already heard, the vast bulk of the existing rail network was built in Victorian times. It stood the test of time fantastically, but now is the time to reinvest in and to future-proof the rail network. That will be done through these options.

I welcome the proposals, and I look forward to the roll-out of the high-speed network and to the improvements on lines to the north to improve journey times to Scotland.

4.59 pm

**Mr Robert Syms (Poole) (Con):** I will be brief. This has been a long process, and in many respects it has been Parliament at its best, listening to people from ordinary communities, many of whom will be badly affected by the impact of the railway. However, as a senior Clerk said to me, the last time we looked at the

Standing Orders was 1946, and without taking away the right of somebody to come before the Committee it is right that we consider that process. There will be further phases of this project, and perhaps airports will come in along the line. I therefore hope that the Leader of the House and the House authorities have a good look at how we could make things a little more efficient. On occasion, we listened to people who were burning up a lot of time but who we felt were not affected, and that had an impact on some people whose farms are being cut in half and who will be very badly affected. There is an argument for reform, and I hope that the House authorities consider it, so that any future Committee that has the good task of listening to people who will be affected by such a project will do so more efficiently.

5 pm

**Mrs Ellman:** I support the Bill, which will bring vital capacity for an expanding railway. It is reassuring to see that so many of the points raised by the Transport Committee in 2011 are now incorporated into the Bill, including maximising jobs, whether in construction or regional economic development. High Speed 2 is part of a connected railway, with plans for ensuring that lines freed by the construction of High Speed 2 can be used for passengers and freight. We must ensure that those who are not on a high-speed line or situated near a high-speed station do not lose out.

It is vital that the necessary investment in High Speed 2 does not come at the expense of investment in the classic line, but evidence to date suggests that that will not be the case. Improvements in other parts of the country, including east-west links, must be linked with high-speed rail as part of the connected rail network. When in phase 2 the trans-Pennine developments take place—now known as High Speed 3—it is vital that High Speed 2 is linked into that so that, in the words of Lord Adonis, the chairman of the National Infrastructure Commission:

“Route decisions on the northern sections of HS2 should support enhanced high speed connections within the north including between Leeds-Sheffield, Liverpool-Manchester, and Sheffield-Newcastle.”

I am sorry that we are not considering High Speed 2 as one Bill, and that instead we have it in two phases, and I hope that the end date of 2034 can be brought forward. However, I am pleased that we are deciding on the go-ahead for phase 1 of High Speed 2. This is for the future. It is about vision and confidence in the railway sector and public transport, and I hope that hon. Members will approve the Bill.

5.2 pm

**Michael Fabricant:** I am not one of those who say that HS2 is a white elephant, or that there is no congestion on the west coast main line—indeed, today 5,000 people arrive standing on trains as they come into Euston. I accept the need for an additional north-south corridor, and if that can be high-speed, then all the better because there is not that much additional cost.

Before I come to my main point, I wish to thank my hon. Friend the Member for Poole (Mr Syms) and all his colleagues for their work on the Committee, as well as the Transport Secretary who, given the structure of HS2, has been incredibly helpful to my constituents in Lichfield.

I do not believe, however, that I can support HS2, because it is not an integrated railway. I could not understand why it was so appalling, until I heard the hon. Member for Nottingham South (Lilian Greenwood) say that HS2 is a Labour project. Only a Labour project could be so unintegrated with the rest of the transport system. Lord Adonis chose a system whereby people arrive at Euston from Birmingham and then have to trek across London with their bags to get to St Pancras. The promises that were made—that people would get on to a train in Birmingham and wake up in Paris—have come to naught. When people get to Birmingham, can they get on to network rail because the train arrives at Birmingham New Street? No. That would have been too obvious. This Labour project, so brilliantly designed yet so sadly duplicated by the Conservative Administration, instead goes into Curzon Street, and people have to schlep across Birmingham to get there, too.

It is about as integrated as my old Hornby 00 railway. I put that on the carpet and it went round and round, but it did not connect with the road or other railway systems, because it was a toy. I would not go so far as to say HS2 is a toy, but it is damaging and it could have been designed better. That is why I have to say to my hon. Friends the Whips that—I am not going to make it a habit—I will have to vote against Third Reading.

5.4 pm

**Barry Gardiner:** I am not against HS2. I am for trees—but not just any trees: trees that enhance our environment and improve our biodiversity. I want to pick up on two very brief points, in relation to the remarks of the Minister of State, the hon. Member for Scarborough and Whitby (Mr Goodwill), on net biodiversity loss and translocation.

It is absolutely clear that the commitment in the Government's White Paper was not simply to no net biodiversity loss but to leaving the natural environment of England in a better state. This project will set a precedent on how to deal with the natural environment for all future major infrastructure projects. The question is whether it will fulfil the promise of improving the natural environment, leaving it in a better state for our children. National planning policy framework 118 is absolutely clear:

“planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland”.

Ancient woodland is irreplaceable.

The Secretary of State used the figure of 7 million trees when he spoke from the Dispatch Box earlier. Seven million trees, if planted at the rate suggested by the Woodland Trust of 2,500 trees per hectare, would give rise to 2,400 additional hectares. I want a commitment from the Secretary of State that they will be additional hectares: additional to the Government's promise that 5,000 hectares of new woodland will be planted in England each year, a promise that at the moment is not being met. Some 2,400 hectares had been planted up to 2014-15, which is more than 4,000 hectares light on the existing promise. I want a commitment that the additional 2,400 hectares—the 7 million trees he spoke of—will be on top of the existing promise that is not being met.

Finally, on translocation, Natural England clearly states that an

“ancient woodland ecosystem cannot be moved”.

The Woodland Trust's extensive research into translocation states:

“The only thing that is certain when translocation of ancient woodland soils is undertaken is that a valuable habitat will be destroyed.”

There is no guarantee that a similarly valuable habitat will be created. The idea, therefore, that translocation can be used and justified as the Minister attempted to do earlier—he is an honourable and decent man using the information that his civil servants no doubt gave him—is wrong.

5.8 pm

**Sir Simon Burns** (Chelmsford) (Con): As someone who was involved in much earlier parts of the planning process, I am delighted that tonight the Bill will progress from this House to another place. That is long overdue. It is sad that, for far too many major infrastructure projects that this country badly needs, the process of getting from the beginning to the end is so drawn out.

I pay tribute not only to my right hon. Friend the Secretary of State and the Minister for all they have done—and to the civil servants who have backed them up—but to the Labour party, which was not prepared to play narrow party political games on what is in the national interest. It has stuck by the national interest to ensure that the project will go ahead.

I accept there will be disruption and problems along the line. That is very upsetting, but I offer one beacon of hope to those people. When I first came into this House in 1987, the same arguments were being bandied about across the Floor of the House on High Speed 1. The local authorities were against it and the local communities were against it. They fought it, with hon. Members in this House, tooth and nail to try to stop it. It happened, and now local communities along the route in Kent are thrilled with the resulting benefits—the economic benefits, the regeneration, and the improvements in connectivity and capacity. I am convinced that when HS2 is finally completed, in 2033, people who do not think there will be any benefits now will come to learn that there are major benefits not only to their communities but in improved capacity.

The point about capacity is critical. The west coast main line will run out of capacity in the middle of the next decade, and it is not acceptable for any Government, of whatever party, to ignore that fact and allow our transportation system to come to a grinding halt. I hope, therefore, that the Bill will have a speedy passage through another place and on to the statute book so that phase 2, to Leeds and Manchester, can be expedited. We will thereby finally get a fit-for-purpose, modern transportation system along the spine of this country.

5.10 pm

**Jonathan Reynolds:** I rise to support the Bill and to commend both Front Benches for the cross-party support on this issue. It would have been easy for the Labour party to play this for short-term political advantage in the last Parliament or this one; that we have not done so is to our credit, especially that of my hon. Friend the Member for Nottingham South (Lilian Greenwood).

I am a former shadow Rail Minister and was a member of the Bill Committee, so I feel confident in saying that I am familiar with this issue. I say this: this

[Jonathan Reynolds]

country needs HS2. The key issue is capacity—it has always been about capacity. So often the conversation has been bogged down in arguments about journey times, but that misses the point. Of course, if it takes me less time to get from the House of Commons to Stalybridge station's world-famous buffet bar, that is welcome, but it is more important that I can do so on a train with enough seats for everyone. With the west coast main line expected to be full by the middle of the next decade, it is vital that we act now. In fact, this is the one time I can think of when this country has acted on a major infrastructure problem before it has become acute. If only our predecessors had done the same with aviation capacity!

The railways are filling up and are crying out for this investment. The statistics speak for themselves. Each day, 3,000 passengers arrive at Euston or Birmingham standing up on trains, having been unable to get a seat. The benefit of HS2 will be to address that looming capacity crunch. More powerful than the statistics, however, are the experiences of passengers—especially those who have the unpleasant experience of being on a packed train leaving or coming into London. I can still vividly remember my wife phoning me after a particularly hellish journey from London to Manchester. Eight months pregnant, she was forced to spend the two-hour journey on the floor outside the toilet entertaining a two-year-old. That should not happen on a 21st-century railway network.

The common arguments against HS2 do not stack up. Spending the money on upgrading the existing line will cost more and give us less. Building a new line that is not high speed will cost nearly as much but give us a fraction of the capacity. Saying we should spend the money on local services rather than north-south improvements fails to understand that the way to improve local services is to free up that existing infrastructure by building a new line. As for the argument that this will be a railway only for the wealthy, we simply have to apply the laws of supply and demand. The guaranteed way to price people off the railway would be to do nothing, because if demand is rising and supply does not increase, prices will go up.

I have great ambitions for what HS2 can deliver for the north, and particularly Greater Manchester—jobs, growth, connectivity, better wages, better career paths and, of course, the opportunity for hard-pressed Londoners more easily to spend time in the UK's real first city: Manchester. I commend the Bill to the House.

5.13 pm

**Geoffrey Clifton-Brown:** I was not expecting to be called, Madam Deputy Speaker, but I am delighted.

Having sat on the Select Committee, I wish to say two things, hopefully in less than a minute. First, the hybrid Bill Committee system needs overhauling: 160 days—not for me, as I joined only after the election—and 1,600 petitions is unsustainable. Somebody needs to look at the system. Finally, we should all celebrate the fact that we have a record number of people travelling on trains, but we need more capacity. I say to my right hon. Friend the Secretary of State, even though he did not acknowledge that I had been on the Committee,

that we need to plan this thing properly. We must ensure that there is proper connectivity into HS2 from all the other lines and that the west coast main line and other lines can make the most of the opportunity for freight.

5.14 pm

**Andy Slaughter:** I support the principle of high-speed rail and this project, not least because it allows the regeneration of the Old Oak area in my constituency—by some distance the largest development area in the country, bringing more than 24,000 homes and 50,000 new jobs to an area of severe deprivation. I support the project with reservations, and I have been happy to work with those on both sides who will be voting against the Bill tonight, because the local implications for residents, businesses and the environment have not been properly considered through this process. I say that with all due respect to the Committee, which has done an excellent job and worked incredibly hard.

In the minute left available to me, let me mention three things. First, if the issue is about capacity and not so much about speed, why are there not more stations, which would make it more beneficial to areas between London and Birmingham? Secondly, why are there not better links with HS1? I accept why the Camden link had to go, but it is ridiculous not to have those better links.

Thirdly, why can we not have a proper integrated centre at Old Oak, which would bring the Great Western line, the overground, the underground and Crossrail together? It is a huge wasted opportunity not to use that land properly. It is a real waste of public money and opportunity in that area. I urge the Government to look at that again and to work with the new Mayor, who I hope will be my right hon. Friend the Member for Tooting (Sadiq Khan), to ensure that we have proper regeneration on that site.

5.16 pm

*Three hours having elapsed since the commencement of proceedings on consideration, the debate was interrupted (Programme Order, 22 March).*

*The Deputy Speaker put forthwith the Question already proposed from the Chair (Standing Order No. 83E), That the Bill be now read the Third time.*

*The House divided: Ayes 399, Noes 42.*

**Division No. 231]**

**[5.16 pm**

**AYES**

Abrahams, Debbie	Bebb, Guto
Ahmed-Sheikh, Ms Tasmina	Beckett, rh Margaret
Aldous, Peter	Benn, rh Hilary
Alexander, Heidi	Benyon, Richard
Ali, Rushanara	Berger, Luciana
Allan, Lucy	Berry, Jake
Allen, Heidi	Bingham, Andrew
Anderson, Mr David	Blackman, Bob
Andrew, Stuart	Blackman-Woods, Dr Roberta
Ansell, Caroline	Blenkinsop, Tom
Argar, Edward	Blunt, Crispin
Ashworth, Jonathan	Boles, Nick
Atkins, Victoria	Borwick, Victoria
Bacon, Mr Richard	Bradley, Karen
Baldwin, Harriett	Brake, rh Tom
Barron, rh Kevin	Brazier, Mr Julian
Barwell, Gavin	Brennan, Kevin



Brine, Steve	Ellis, Michael	Hodgson, Mrs Sharon	McFadden, rh Mr Pat
Brokenshire, rh James	Ellison, Jane	Hollingbery, George	McGinn, Conor
Brown, Lyn	Ellman, Mrs Louise	Hollinrake, Kevin	McGovern, Alison
Brown, rh Mr Nicholas	Ellwood, Mr Tobias	Hopkins, Kris	McInnes, Liz
Buck, Ms Karen	Elphicke, Charlie	Howarth, rh Mr George	McLoughlin, rh Mr Patrick
Buckland, Robert	Eustice, George	Howarth, Sir Gerald	Meale, Sir Alan
Burden, Richard	Evans, Chris	Howell, John	Menzies, Mark
Burton, Richard	Evans, Graham	Howlett, Ben	Mercer, Johnny
Burns, Conor	Evennett, rh Mr David	Huddleston, Nigel	Merriman, Huw
Burns, rh Sir Simon	Fallon, rh Michael	Hunt, Tristram	Metcalfe, Stephen
Burrowes, Mr David	Fernandes, Suella	Huq, Dr Rupa	Mills, Nigel
Burt, rh Alistair	Field, rh Mark	Hussain, Imran	Milton, rh Anne
Butler, Dawn	Fletcher, Colleen	Jackson, Mr Stewart	Moon, Mrs Madeleine
Byrne, rh Liam	Flint, rh Caroline	James, Margot	Mordaunt, Penny
Cadbury, Ruth	Foster, Kevin	Jarvis, Dan	Morden, Jessica
Cairns, Alun	Fovargue, Yvonne	Javid, rh Sajid	Morgan, rh Nicky
Cameron, rh Mr David	Foxcroft, Vicky	Jayawardena, Mr Ranil	Morris, Anne Marie
Campbell, rh Mr Alan	Francois, rh Mr Mark	Jenkin, Mr Bernard	Morris, David
Carmichael, Neil	Frazer, Lucy	Jenkyns, Andrea	Morris, Grahame M.
Cartlidge, James	Freeman, George	Jenrick, Robert	Morris, James
Caulfield, Maria	Freer, Mike	Johnson, rh Alan	Morton, Wendy
Chalk, Alex	Fuller, Richard	Johnson, Gareth	Mowat, David
Champion, Sarah	Fysh, Marcus	Johnson, Joseph	Mulholland, Greg
Chapman, Jenny	Gale, Sir Roger	Jones, Andrew	Mundell, rh David
Chishti, Rehman	Gapes, Mike	Jones, rh Mr David	Murray, Ian
Churchill, Jo	Gardiner, Barry	Jones, Gerald	Murray, Mrs Sheryll
Clark, rh Greg	Garnier, rh Sir Edward	Jones, Mr Marcus	Murrison, Dr Andrew
Clarke, rh Mr Kenneth	Garnier, Mark	Jones, Susan Elan	Nandy, Lisa
Cleverly, James	Gauke, Mr David	Kawczynski, Daniel	Neill, Robert
Clwyd, rh Ann	Ghani, Nusrat	Keeley, Barbara	Newton, Sarah
Coaker, Vernon	Gibb, Mr Nick	Kendall, Liz	Nokes, Caroline
Coffey, Dr Thérèse	Glass, Pat	Kennedy, Seema	Onn, Melanie
Collins, Damian	Glindon, Mary	Kinnock, Stephen	Onwurah, Chi
Colville, Oliver	Goodwill, Mr Robert	Kirby, Simon	Osamor, Kate
Cooper, Julie	Gove, rh Michael	Knight, rh Sir Greg	Owen, Albert
Cooper, rh Yvette	Graham, Richard	Knight, Julian	Parish, Neil
Corbyn, rh Jeremy	Grant, Mrs Helen	Kwarteng, Kwasi	Patel, rh Priti
Costa, Alberto	Grayling, rh Chris	Kyle, Peter	Pearce, Teresa
Cox, Jo	Green, Chris	Lamb, rh Norman	Pennycook, Matthew
Coyle, Neil	Green, rh Damian	Lancaster, Mark	Perry, Claire
Crabb, rh Stephen	Green, Kate	Latham, Pauline	Phillips, Jess
Creagh, Mary	Greening, rh Justine	Lavery, Ian	Philp, Chris
Creasy, Stella	Greenwood, Lilian	Leslie, Charlotte	Poulter, Dr Daniel
Cruddas, Jon	Greenwood, Margaret	Leslie, Chris	Pow, Rebecca
Cryer, John	Griffith, Nia	Letwin, rh Mr Oliver	Powell, Lucy
Cummins, Judith	Griffiths, Andrew	Lewell-Buck, Mrs Emma	Prisk, Mr Mark
Cunningham, Alex	Gummer, Ben	Lewis, Brandon	Pugh, John
Dakin, Nic	Gyimah, Mr Sam	Lilley, rh Mr Peter	Pursglove, Tom
Danczuk, Simon	Halfon, rh Robert	Long Bailey, Rebecca	Quince, Will
Davies, Byron	Hall, Luke	Lumley, Karen	Qureshi, Yasmin
Davies, Chris	Hamilton, Fabian	Mackinlay, Craig	Raab, Mr Dominic
Davies, David T. C.	Hammond, rh Mr Philip	Mackintosh, David	Rauner, Angela
Davies, Glyn	Hammond, Stephen	Mactaggart, rh Fiona	Reed, Mr Jamie
Davies, Dr James	Hancock, rh Matthew	Madders, Justin	Reed, Mr Steve
Davies, Mims	Hands, rh Greg	Mahmood, Shabana	Rees, Christina
De Piero, Gloria	Harper, rh Mr Mark	Malhotra, Seema	Rees-Mogg, Mr Jacob
Dinenage, Caroline	Harrington, Richard	Malthouse, Kit	Reeves, Rachel
Djanogly, Mr Jonathan	Harris, Carolyn	Mann, John	Reynolds, Emma
Double, Steve	Harris, Rebecca	Mann, Scott	Reynolds, Jonathan
Doughty, Stephen	Haselhurst, rh Sir Alan	Marsden, Mr Gordon	Rimmer, Marie
Dowd, Peter	Hayes, Helen	Maskell, Rachael	Robinson, Mary
Dowden, Oliver	Hayes, rh Mr John	Matheson, Christian	Rosindell, Andrew
Dromey, Jack	Hayman, Sue	Mathias, Dr Tania	Rudd, rh Amber
Drummond, Mrs Flick	Heald, Sir Oliver	May, rh Mrs Theresa	Rutley, David
Duddridge, James	Heapey, James	Maynard, Paul	Scully, Paul
Duncan, rh Sir Alan	Heaton-Jones, Peter	McCabe, Steve	Selous, Andrew
Duncan Smith, rh Mr Iain	Henderson, Gordon	McCarthy, Kerry	Shapps, rh Grant
Dunne, Mr Philip	Herbert, rh Nick	McCartney, Jason	Sharma, Alok
Eagle, Ms Angela	Hillier, Meg	McCartney, Karl	Sharma, Mr Virendra
Eagle, Maria	Hinds, Damian	McDonagh, Siobhain	Sherriff, Paula
Efford, Clive	Hoare, Simon	McDonald, Andy	Shuker, Mr Gavin
Elliott, Julie	Hodge, rh Dame Margaret	McDonnell, John	Simpson, rh Mr Keith

Slaughter, Andy  
 Smeeth, Ruth  
 Smith, rh Mr Andrew  
 Smith, Angela  
 Smith, Cat  
 Smith, Chloe  
 Smith, Henry  
 Smith, Jeff  
 Smith, Julian  
 Smith, Nick  
 Smith, Royston  
 Smyth, Karin  
 Soames, rh Sir Nicholas  
 Solloway, Amanda  
 Soubry, rh Anna  
 Spencer, Mark  
 Stephenson, Andrew  
 Stevens, Jo  
 Stevenson, John  
 Stewart, Iain  
 Streeter, Mr Gary  
 Streeting, Wes  
 Stride, Mel  
 Stringer, Graham  
 Stuart, Graham  
 Sturdy, Julian  
 Sunak, Rishi  
 Swayne, rh Mr Desmond  
 Swire, rh Mr Hugo  
 Tami, Mark  
 Thomas, Derek  
 Thomas-Symonds, Nick  
 Thornberry, Emily  
 Throup, Maggie  
 Timms, rh Stephen  
 Timpson, Edward  
 Tolhurst, Kelly  
 Tomlinson, Justin  
 Tomlinson, Michael  
 Tredinnick, David  
 Trickett, Jon

Tugendhat, Tom  
 Turley, Anna  
 Twigg, Derek  
 Twigg, Stephen  
 Umunna, Mr Chuka  
 Vaizey, Mr Edward  
 Vara, Mr Shailesh  
 Vaz, Valerie  
 Vickers, Martin  
 Walker, Mr Charles  
 Walker, Mr Robin  
 Wallace, Mr Ben  
 Warburton, David  
 Warman, Matt  
 Watkinson, Dame Angela  
 West, Catherine  
 Wharton, James  
 Whately, Helen  
 Whitehead, Dr Alan  
 Whittaker, Craig  
 Whittingdale, rh Mr John  
 Wiggin, Bill  
 Williams, Craig  
 Williams, Mr Mark  
 Williamson, rh Gavin  
 Wilson, Phil  
 Wilson, Mr Rob  
 Winnick, Mr David  
 Winterton, rh Dame Rosie  
 Wollaston, Dr Sarah  
 Wood, Mike  
 Woodcock, John  
 Wragg, William  
 Wright, Mr Iain  
 Zahawi, Nadhim  
 Zeichner, Daniel

**Tellers for the Ayes:**  
**Jackie Doyle-Price and**  
**Guy Opperman**

#### NOES

Baker, Mr Steve  
 Baron, Mr John  
 Bone, Mr Peter  
 Brady, Mr Graham  
 Campbell, Mr Ronnie  
 Cash, Sir William  
 Cunningham, Mr Jim  
 Davies, Philip  
 Dowd, Jim  
 Edwards, Jonathan  
 Elliott, Tom  
 Fabricant, Michael  
 Farrelly, Paul  
 Fitzpatrick, Jim  
 Flynn, Paul  
 Gillan, rh Mrs Cheryl  
 Grieve, rh Mr Dominic  
 Hoey, Kate  
 Hollobone, Mr Philip  
 Holloway, Mr Adam  
 Hopkins, Kelvin  
 Lefroy, Jeremy  
 Lewis, rh Dr Julian

Loughton, Tim  
 Lucas, Caroline  
 McDonnell, Dr Alasdair  
 Nuttall, Mr David  
 Prentis, Victoria  
 Redwood, rh John  
 Ritchie, Ms Margaret  
 Robertson, Mr Laurence  
 Robinson, Mr Geoffrey  
 Saville Roberts, Liz  
 Sheerman, Mr Barry  
 Siddiq, Tulip  
 Skinner, Mr Dennis  
 Starmer, Keir  
 Tracey, Craig  
 Turner, Mr Andrew  
 Tyrie, rh Mr Andrew  
 White, Chris  
 Williams, Hywel

**Tellers for the Noes:**  
**Andrew Bridgen and**  
**Mrs Anne Main**

### HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL: CARRY-OVER (NO. 3)

#### *Ordered,*

That the following provisions shall apply in respect of the High Speed Rail (London - West Midlands) Bill:

(1) Further proceedings on the Bill shall be suspended until the next Session of Parliament.

(2) If a Bill is presented in the next Session in the same terms as those in which the Bill stood when proceedings on it were suspended in this Session—

(a) the Bill shall be deemed to have been read the first, second and third time;

(b) the Standing Orders and practice of the House applicable to the Bill, so far as complied with or dispensed with in Session 2013-14, Session 2014-15 or this Session, shall be deemed to have been complied with or (as the case may be) dispensed with in the next Session.

(3) The reference in paragraph (1) to further proceedings does not include proceedings under Standing Order 224A(8) (deposit of supplementary environmental information).

That this Order be a Standing Order of the House.—  
*(Mr Goodwill.)*

**Heidi Alexander** (Lewisham East) (Lab): On a point of order, Mr Deputy Speaker. Today the British Medical Association has announced that it plans to escalate the industrial action of junior doctors planned for 26 and 27 April. Can you advise me whether you have received any notification from the Department of Health about whether the Secretary of State for Health intends to make a statement to the House tomorrow, updating us on what action he will take to avert that industrial action and bring an end to the ongoing dispute?

**Mr Deputy Speaker (Mr Lindsay Hoyle):** I have had no notification that the Secretary of State is coming forward. However, the hon. Lady has got the matter on the record, and I am sure that people will be listening to the debate that is taking place at this very moment. Let us wait and see.

**Sir Edward Leigh** (Gainsborough) (Con): On a point of order, Mr Deputy Speaker. Believe it or not, this is a point of order about procedure. We have just had a debate and a vote and have approved over £55 billion of expenditure. The Third Reading debate on this country's biggest ever infrastructure project lasted just half an hour and large numbers of hon. Members were not able to be called. I would have liked to talk about the lack of investment in Lincolnshire's railways, for example, and other points could have been made. The limits have become absurd, so will you have a word with Mr Speaker? The Procedure Committee, of which I am a member, is looking at this, but we could have a procedure by which you or one of your colleagues could have extended the debate for just another half an hour.

**Mr Deputy Speaker:** As you know, it is a matter for the Government how they timetable the business. As you rightly say, you have a view that you wish to express. Unfortunately, we are not in charge of the business. I am sure that everybody who reads *Hansard* will realise that you have raised this on the Floor of the House, even though it is not a point of order for the Chair.

**Mrs Cheryl Gillan** (Chesham and Amersham) (Con): Further to that point of order, Mr Deputy Speaker. I have raised the issue of the procedures on the hybrid

*Question accordingly agreed to.*

*Bill read the Third time and passed, with amendments.*

Bill process with the Procedure Committee, but because it is a private process it may be difficult for the Committee to look at those. I very much hope that the Government are going to re-examine the hybrid Bill process, and that view has been echoed in the words of many of my friends, particularly those who have served on the HS2 Bill Committee.

The process is not satisfactory from the perspective of either the House or the people most affected by the project. I very much hope that this will not take too long and you could advise me whether the House eventually could change those procedures, so that large infrastructure projects are not dealt with in such an opaque and difficult manner.

**Mr Deputy Speaker:** The House can invite the Procedure Committee to look into this matter, as you well know. And you know better than I do how the procedure of this House works, after so many years in this place.

**Mr Angus Brendan MacNeil** (Na h-Eileanan an Iar) (SNP): On a point of order, Mr Deputy Speaker. I wonder whether we could have a tidying-up of the procedures of the House. In the light of English votes for English laws, Health questions and Education questions, as they are termed, are actually English Health questions and English Education questions. It would be better for voters up and down the length of the current UK if they understood that.

**Mr Deputy Speaker:** Once again, the answer is the same: it is for this House to invite the Procedure Committee to look into the matter. If you believe there is a wrong, I am sure the Committee will make sure it gets put right.

I have now to announce the result of today's two deferred Divisions. In respect of the Question relating to electricity, the Ayes were 287 and the Noes were 232, so the Ayes have it. In respect of the Question relating to public sector pensions, the Ayes were 287 and the Noes were 211, so the Ayes have it.

*[The Division list is published at the end of today's debates.]*

With the leave of the House, I will put motions 4 and 5 together, as they cover the same area.

### SCOTLAND BILL (MONEY)

*Queen's recommendation signified.*

*Resolved,*

That, for the purposes of any Act resulting from the Scotland Bill, it is expedient to authorise any increase attributable to the Act in the sums payable under the Scotland Act 1998 out of the National Loans Fund.

### SCOTLAND BILL (WAYS AND MEANS)

*Resolved,*

That, for the purposes of any Act resulting from the Scotland Bill, it is expedient to authorise the payment of sums into the National Loans Fund.—(*David Mundell.*)

### SCOTLAND BILL (PROGRAMME) (NO.3)

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

That the following provisions shall apply to the Scotland Bill for the purpose of supplementing the Orders of 8 June 2015 (Scotland Bill (Programme)) and 9 November 2015 (Scotland 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 one hour after their commencement at today's sitting.

#### *Subsequent stages*

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

(3) 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.—(*David Mundell.*)

*Question agreed to.*

## Scotland Bill

### *Consideration of Lords amendments*

**Mr Deputy Speaker (Mr Lindsay Hoyle):** I must draw the House's attention to the fact that financial privilege is involved in Lords amendment 22. If the House agrees with the amendment, I shall ensure that the appropriate entry is made in the *Journal*.

### Clause 3

#### ELECTIONS

5.38 pm

**The Secretary of State for Scotland (David Mundell):** I beg to move, That this House agrees with Lords amendment 1.

**Mr Deputy Speaker:** With this it will be convenient to discuss Lords amendments 2 to 62.

**David Mundell:** This is a truly significant day for Scotland. If this Bill completes its parliamentary progress, it will add to the already extensive responsibilities of the Scottish Parliament a range of important new powers. It provides even greater opportunities for the Scottish Government to tailor and deliver Scottish solutions to Scottish issues. The Scottish Parliament that returns in May will be a powerhouse Parliament that has come of age. Crucially, it will be much more accountable to the people who elect it, which is the hallmark of a mature democratic institution.

I am pleased to say that Lord Smith of Kelvin has confirmed that the Bill puts into law the agreement that the five main political parties in Scotland reached, and that the fiscal framework that was agreed means that the recommendations of his commission have been delivered in full.

Last week, the Scottish Parliament debated the motion on whether to grant legislative consent to the Bill before us today, and the agreement was unanimous. Deputy First Minister John Swinney remarked:

"The Smith process delivered an agreement for additional powers that—if they are used in the right way—can benefit the people of Scotland."—[*Scottish Parliament Official Report*, 16 March 2016; c. 3.]

I agree with him wholeheartedly on that.

The debate last week demonstrated the consensus among all parties in Scotland that these new powers present a tremendous opportunity for Scotland. That was clear in their unanimous vote to grant legislative consent to this Bill. This process goes to show that both of Scotland's Governments and both of Scotland's Parliaments can work effectively together in the interest of the people in Scotland and right across our United Kingdom.

No individual or party held a monopoly of wisdom on how the Smith agreement might best be translated into legislation. Many people, both inside and outside this Chamber, have contributed to the Bill as it stands before us today. I thank hon. Members and noble Lords for their contributions as the Bill passed through this House and the other place.

**John Redwood (Wokingham) (Con):** I am grateful to the Secretary of State for giving way. When this important work was being done, there were obvious and big

consequences for England. Which Minister or Ministers spoke for England during the negotiations?

**David Mundell:** My right hon. Friend has asked that question before. This legislation has been debated on the Floor of this House and on the Floor of the other place. Extensive scrutiny of the Bill has taken place. Indeed, there has been the opportunity to scrutinise the fiscal framework as well, so extensive scrutiny has been delivered in relation to this legislation for the people of England, Wales, Northern Ireland and Scotland.

The Bill has been strengthened by the scrutiny it has received, and I am pleased that the amendments that I will cover shortly are a positive and constructive culmination of that process.

**Mr Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP):** Going back to the previous intervention, it was obvious from the voices on the Scottish National party Benches that all the other Ministers, especially those from the Treasury, spoke for interests other than those of Scotland. Is it not time to move away from this form of devolution, whereby we effectively get the crumbs from the table at Westminster, to a model that Copenhagen shares with the Faroe Islands and Greenland, in which the larder is always open and they get to choose their own powers. Instead of taking the crumbs from Westminster, we should be able to take the powers that we want from Westminster when we want them.

**Hon. Members:** Hear, hear!

**David Mundell:** The hon. Gentleman's colleagues may agree with him, but I do not think that the people of Scotland do. The people of Scotland made it very clear in September 2014 that they wanted to remain part of our United Kingdom, but they wanted a Scottish Parliament with enhanced powers, which is what this Government are delivering. The hon. Gentleman strikes a rather sour note, given the consensus within the Scottish Parliament and among his colleagues in the Scottish Government—a consensus that recognises the importance of the powers that will be delivered by this Bill if it completes its passage today.

I also acknowledge the work of the Committees of both the Scottish and the UK Parliaments, including those chaired by the hon. Member for Perth and North Perthshire (Pete Wishart) in this place, by the noble Lords, Lord Lang, Baroness Fookes and Lord Hollick, in the other place and by Bruce Crawford in the Scottish Parliament. The broad range of evidence and expertise they marshalled in the Bill's scrutiny has improved it materially.

I also wish to thank the Deputy First Minister, John Swinney MSP, and Scottish Government officials for their always courteous engagement in this process. Scotland gets the best outcome when its two Governments work together.

I am truly grateful to all my officials at the Scotland Office and the officials from the 10 other Whitehall Departments whose hard work has got us to this stage. My noble Friends Lord Dunlop and Lord Keen of Elie have played an essential role in the Bill's passage through the other place; I also commend Lord McAvoy and Lord Wallace of Tankerness in particular for their work. The origin of the Bill is the Smith agreement, and I once again pay tribute to Lord Smith of Kelvin and

the representatives of all five of Scotland's main political parties for reaching an agreement that redefined the devolution settlement.

5.45 pm

A number of technical amendments were made in the other place to ensure that the Bill devolves the powers intended effectively and efficiently. There were also substantive amendments related to the fiscal framework and responsible parking.

In line with the Smith Commission agreement, the fiscal framework agreement changes the powers available to the Scottish Government for both resource and capital borrowing. Lords amendments 22 and 58 set out clearly, and consistent with the existing legal framework, new borrowing powers for the Scottish Government. Lords amendments 23 and 59 deal with independent fiscal scrutiny in Scotland and the UK. Those amendments formalise the arrangements around the Office for Budget Responsibility's access to information from Scottish institutions, notably the Scottish Fiscal Commission and the Scottish Government.

A number of minor and technical amendments were made to the welfare provisions in the Bill. Lords amendments 50 to 52 are minor amendments to ensure that powers and procedure for secondary legislation transfer effectively. Lords amendment 24 is technical in nature and ensures that executive competence will be transferred to the Scottish Ministers, so that they can make payments of Sure Start maternity grants, funeral payments, cold weather payments and winter fuel payments when clause 21 is commenced. Lords amendment 28, which proposes a new clause after clause 30, and Lords amendment 29 make it clear that the Social Security Advisory Committee and the Industrial Injuries Advisory Council will advise the Secretary of State only, and Lords amendments 25 to 27 are technical amendments made as a result of that change.

Lords amendments 1 to 20, on elections, are also technical amendments which clarify the provisions and improve the drafting. Lords amendments 17 to 20 in particular amend clause 11 on the supermajority provision in the Bill. The amendments enable a Bill in the Scottish Parliament to pass to Royal Assent if the Presiding Officer of the Scottish Parliament decides that a simple majority is required: the Bill is passed with a simple majority but is referred to the Supreme Court, and the Supreme Court agrees that only a simple majority was required. Lords amendment 57 provides that clauses 3 to 12 will come into force on such a day as the Secretary of State may appoint by regulations made by statutory instrument. That will allow time for necessary consequential and saving provisions related to elections to be made.

Lords amendments 30 to 36 are technical amendments that would remove an unnecessary reference in clause 35 to the Equality Act 2006.

Amendments to clauses 39 and 40 and schedule 2 align the competence of Scottish Ministers for road signs and speed limits with the competence of the Scottish Parliament. As a result, once the clauses are commenced, Scottish Ministers will have the power to make regulations providing speed limit exemptions or to give general directions in relation to traffic signs and pedestrian crossings to the same extent as the Scottish Parliament has legislative competence. A considerable amount of work has already been done to develop a

new set of regulations to prescribe speed limit exemptions. If they are to be truly effective, changes to relevant traffic signs regulations will also be needed. Traffic signs are already being devolved to the Scottish Parliament in other clauses of the Bill. Work on traffic signs regulations has also been part of a long-term project to bring in GB-wide revised regulations.

Those amendments will enable the Secretary of State, with Scottish Ministers' consent, to make a single set of regulations that are GB-wide in their application and allow vehicles used for various purposes connected with devolved matters to have exemptions from both speed limits and certain road signs and general directions. The aim is to assist stakeholders and avoid duplication of work already carried out by the Department for Transport, benefiting everyone who needs to travel at speed on roads. In addition, these amendments treat amendments to section 87 of the Road Traffic Regulation Act 1984 made by the Road Safety Act 2006 as though they were in force when clause 38 comes into force.

In Committee, Labour tabled an amendment on responsible parking. The amendment was also raised in the other place. I have for some time been committed to seeking a solution to this issue. Lords amendments 38 and 46 seek to address the long-standing problem of irresponsible parking, which has a particular impact on people with disabilities, parents with pushchairs and the elderly, especially when vehicles have been badly parked on pavements. We took forward discussions with the Scottish Government on this matter, and, as a result of these discussions, amendments were tabled in the other place that will enable the Scottish Parliament to address this issue. This is a good example of the sort of running repair which from time to time it is prudent to make to the devolution settlement, and demonstrates the collaborative relationship between the two Governments.

Lords amendment 49 revises clause 45(8) on onshore petroleum to ensure that the Secretary of State's enforcement ability in relation to reserved matters is preserved for licences in respect of onshore Scotland. Amendment 48 removes a redundant reference.

Clause 68 confers on the Secretary of State the power to make consequential, transitional and saving provisions by regulations. Lords amendments 53 to 56 amend this provision in response to feedback from the Delegated Powers and Regulatory Reform Committee.

The Government made substantial amendments to the Bill on Report in this House. The Lords amendments are largely technical, but nevertheless include important provisions related to the fiscal framework and responsible parking. I am pleased that they were accepted in the other place. I urge the House to accept the Lords amendments.

**Ian Murray** (Edinburgh South) (Lab): The Secretary of State's description of the road traffic changes had me mesmerised. I could have listened to him all evening. We thank him for that.

It is a great pleasure to speak on behalf of the official Opposition. I am not going to pretend that the passage of the Bill has been entirely enjoyable, smooth or stress-free, but we are where we are and it has definitely been worth getting to this place. Every Member of this House and the other place should be incredibly proud of what has been achieved in such a short time. Some will say the

[Ian Murray]

Bill does not go far enough, and some will be disappointed that it does not contain what they wanted, but I think today marks a historic day in the devolution journey of our Scottish Parliament.

When this Bill is passed—there is no longer any doubt that it will be passed today—Scotland will have one of the most powerful devolved Parliaments in the world. That is what the Labour party has always wanted from that process. It was the former Prime Minister, the former Member for Kirkcaldy and Cowdenbeath, who devised the vow that promised more powers. Let us pay tribute both to him and to the *Daily Record* for publishing it at the time. [Interruption.] I knew I would get a reaction to that. If only I had said *The National*, the response from the SNP Benches might have been different.

That paved the way for the Smith commission, skilfully chaired by Lord Smith of Kelvin, who managed to negotiate cross-party agreement on the form that those powers should take. That in turn laid the foundations for the Bill before us today. It has now passed through this place and the other place. A revised fiscal framework has been agreed, crucially with the Barnett formula at its heart. As promised, the vow has been delivered, with Barnett protected. That was always a Labour party priority, as we recognise the integral role played by the Barnett formula in maintaining public spending in Scotland. That said, and as the Institute for Fiscal Studies astutely observed, during the fiscal framework negotiations it was, ironically, the SNP Government who insisted upon Barnett as sacrosanct. With the zeal of the convert, they argued vociferously for an approach

“which ensures the ongoing pooling and”  
sharing

“of some proportion of ‘devolved’ revenues across the UK.”

Of course, as long-standing advocates of the Barnett formula and the principle of pooling and sharing resources that it enshrines, we gave the Scottish Government our full backing in those negotiations. I wonder whether that now means that the Scottish National party has renounced its No. 1 policy priority of full fiscal autonomy—perhaps we will hear this evening.

However, at least for the time being we have an agreement. The irony is that this Bill will wing its way to Her Majesty to receive Royal Assent, hopefully later tonight, on the eve of what would have been separation day in Scotland. It creates one of the most powerful devolved Parliaments in the world, as opposed to the White Paper prospectus promised by the SNP in 2014.

Some of the Lords amendments speak directly to that agreement, delivering, for example, the strengthened borrowing powers and the enhanced fiscal oversight of Scotland’s public finances that this fiscal framework provides for. Now that the last impediment to the Bill has been removed, we must focus on the powers that the Scottish Parliament is receiving. As the Secretary of State has said, the legislative consent motion has been passed by the Scottish Parliament.

Given that today is the last day of the current Scottish Parliament, it would be remiss of me not to pay tribute to all the MSPs, from all parties, who have served since 2011. With your indulgence, Mr Deputy Speaker, I will say a word or two about those MSPs, particularly Labour MSPs, who are retiring from the Scottish Parliament, having done so much in the process of

getting this Bill here today. They include Hugh Henry, Duncan McNeil and Richard Simpson, who have served since 1999. There is my old university friend Richard Baker, who was first elected in 2003, and Margaret McDougall, Graeme Pearson and Drew Smith, who were elected in 2011. They all retire with our best wishes, especially Malcolm Chisholm, who was also a long-standing Member of this House. He retires leaving a distinguished record of public service to his constituents. We wish him well. It would also be remiss of me not to mention the right hon. Member for Gordon (Alex Salmond), who is not in his place. The Scottish Parliament’s loss is this place’s gain. Are we not lucky indeed?

With the passing of this Bill and the dissolution of the Scottish Parliament, we can today lay the old arguments of the referendum to rest, alongside any doubt that the vow has not been delivered. The conversation must now move on to how these powers are used—or not used in some cases. It is worth briefly reminding ourselves what those powers are, because they are considerable, and their Lordships looked at them in great detail, for which we thank them. The Scottish Parliament has power over rates and bands of tax on all non-savings and non-dividend income. That means it can put taxes up or bring them down; it can increase or reduce the thresholds at which the different rates are paid; or it can choose to do nothing and keep things pretty much as they are, short of affording a tax break to higher earners—champions of the status quo perhaps—even if, in so doing, some people are abandoning a manifesto pledge to reintroduce the 50p rate for those earning over £150,000. That is what some have chosen to do, but that is not what we would do

I wonder how commentators have looked on that process. Owen Jones, who is often quoted by the SNP Members now beside me, called it

“a huge blow to their credentials”.

What does the Scottish Trades Union Congress think of the Scottish Government’s grand plans for devolved taxation in Scotland? It calls them

“a disappointingly timid approach to tax policy...Breaking the consensus on increasing the additional rate is difficult to fathom.”

It said it was an approach that is

“difficult to reconcile with the Scottish Government’s”

so-called

“social and economic objectives.”

For the past five years, many people had the mantra “more power for Scotland.” Today, when the Bill is passed, we will have a powerful Scottish Parliament—power not as a point of principle, but power to be used for positive, progressive change. I can tell the House, in no uncertain terms, that the Scottish Labour party will not settle for power for power’s sake. We will not settle for the political choice of austerity. This Bill goes straight to the heart of how we would do that. We will oppose austerity in the UK and we will oppose it in Scotland, and when we get into government we will reverse it. We will build a better and fairer Scotland for all, and taxation will not be our sole tool for doing so.

Lords amendment 22 strengthens the borrowing powers available to the Scottish Government, as agreed in the fiscal framework, allowing them to invest more in capital infrastructure or to smooth out fluctuations in devolved taxes.

6 pm

In short, with those amendments and powers, the Scottish Parliament will have the power radically to reshape the social and political landscape in Scotland. As we all know, if we are to have the excellent public services and high standards of living enjoyed by countries in other parts of the world, we must have the revenues to pay for them, and that means making bold decisions.

Scottish Labour has already begun to set out how it would use the new powers that are coming to Scotland, along with those that Scotland already has, to maintain and increase levels of investment in education and public services. A Scottish Labour Government will depart from the discredited political doctrine of austerity and increase public spending over the lifetime of the next Scottish Parliament. We will be bold, and we will be radical, because that is the only way to really change people's lives. We understand that having power is pointless if we are not prepared to use it. It is a shame that others—the Conservative Government and the SNP Scottish Government—will go into this election with a powerful Parliament offering a pale imitation of the status quo. After the blood, sweat and tears of getting this Bill on to the statute book, that is unfortunate. Faced with the choice between using the powers of the Scottish Parliament to invest in our economy or carrying on with the SNP's cuts to schools, Labour will use those powers.

In the course of our consideration of the Bill, the Labour party has focused on securing practical, progressive changes to it. Where we felt it fell short of the Smith commission, we have sought to improve it. Where there has been disagreement, we have not declaimed noisily from the rafters, but sought to reach compromise. In adopting that approach, we have won valuable concessions from the Government—changes to the Bill that will make a real, practical difference to Scotland.

In this place, we secured the power to create new benefits in devolved areas, and we elicited welcome clarity on the application and extent of the provisions to top up existing benefits. That will allow the Scottish Parliament, effectively, to design a new social security system to suit the needs of Scotland. Given last week's Budget, thank goodness it has that power.

In the other place, we campaigned successfully, as the Secretary of State said, for an amendment to the Bill to devolve competence over pavement parking to the Scottish Parliament. If hon. Members remember, it was the hon. Member for Rutherglen and Hamilton West (Margaret Ferrier) who mentioned the issue on Second Reading in this place. The amendment marked the culmination of a lengthy process that started with a private Member's Bill introduced by the former Member for Edinburgh North and Leith, Mark Lazarowicz, several years ago. I would point those who think that the amendment is a minor measure to the many charities—most prominently, Living Streets and Guide Dogs UK—that campaigned hard and long to secure it. I thank them today for their unstinting efforts.

Pavement parking is dangerous for pedestrians, especially people with sight loss, parents with pushchairs, and wheelchair users and other disabled people. By securing the amendment, we have cleared the way for the Scottish Parliament to take legislative measures to protect those people and to increase the safety of our streets.

The Government's other amendments in the Lords are merely technical and tidying-up provisions, and we do not, of course, oppose any of them.

I would like to close by thanking those who have brought us to this juncture. The former Prime Minister deserves our thanks—it was his vow, which was itself a product of his passion for Scotland, that paved the way for the process that created the Bill. My right hon. Friend the Member for Doncaster North (Edward Miliband) also deserves our thanks for pushing forward with the vow and making sure we secured the new powers for Scotland in the legislative programme. In this place, I would also like to thank the Secretary of State and his team. He has always been an affable adversary and has shown a willingness to work constructively to improve the Bill. In particular, his staff deserve great credit for the way in which they have helped us navigate the Bill.

I thank Labour's shadow Scotland team, especially my hon. Friend the Member for Caerphilly (Wayne David), who is not in his place today, due to illness. He has been invaluable in his willingness to step into the breach, even when the debate was at its fiercest. I give special thanks to the Clerks in the House of Commons Public Bill Office for their support and, more importantly, their patience, and to the impartial experts in the House of Commons Library. In the other place, I thank my right hon. Friend Lord McAvoey for leading on the Bill for the Opposition in such an energetic manner. I also thank my right hon. Friends Lord McFall and Lord Foulkes of Cumnock for their learned advice and support.

I would like to mention the Law Society of Scotland, which I worked with on a number of amendments, and which was always ready with an expert and impartial perspective. Michael Clancy of the Law Society—this is an interesting diversion and something we have not experienced before now—has sat under the Gallery in both this and the other place for every single Scotland Bill sitting since 1997, but he had to leave to catch his flight this evening so he has been unable to watch these proceedings and has missed the very last sitting. [HON. MEMBERS: "It's not the last!"] It is certainly the last sitting on this Bill; I am sure that everyone can agree with that. We wish him well and thank him for his advice. I also thank Lord Smith of Kelvin and the commissioners of all parties who played an integral role in the process.

It may not feel like it, but this is a historic day for Scotland that will fundamentally change its social and political landscape. All we have to do now is make use of these substantial powers. We take up that challenge. It is now up to others to do the same.

**Angus Robertson** (Moray) (SNP): I am delighted to follow the hon. Member for Edinburgh South (Ian Murray). It is a calumny that he has been described as negative. He spent much of his time at the Dispatch Box trying to be positive about the Scotland Bill. Parts of his speech were positive and we welcome that, and we also welcome the Secretary of State's positive comments.

The Scotland Bill is an important step in extending the responsibilities of the Scottish Parliament and in Scotland's journey towards greater self-government. That journey has quickened in pace since the Scottish National party was first returned to power in 2007. The Bill follows progress including the Scotland Act 2012, the

[Angus Robertson]

independence referendum and the Smith commission itself. As Deputy First Minister John Swinney has said, the Bill delivers additional powers that can benefit the people of Scotland, including extended powers over tax, new powers over welfare, and responsibilities for the Crown Estate, tribunals and the licensing of onshore oil and gas activity.

The agreement on a fiscal framework published on 25 February increases the Scottish Parliament's financial responsibility, is consistent with the Smith principles of no detriment, and is fair to the people of Scotland. As the Bill, including the amendments under discussion, provides useful powers and has moved towards delivering more of the recommendations made by the Smith commission reports, and as the agreement on the fiscal framework would be a fair basis for future funding consistent with the principles agreed by the Smith commission, the Scottish Government recommended that the Scottish Parliament should consent to the Bill. On 11 March 2016, the Devolution (Further Powers) Committee published its report on the Scotland Bill and the fiscal framework. Although it makes recommendations on specific policy areas, its overall conclusion is that the Scottish Parliament should consent to the Bill. That is what is before us. On 16 March, the Scottish Parliament consented to the legislative consent motion for the Bill.

The SNP has, of course, governed in Scotland for nine years, and every indication is that the people of Scotland have been delighted with the governance of Scotland under the SNP. I join the Labour party spokesman in paying tribute, as I did earlier today, to every outgoing Member of the Scottish Parliament—not least my right hon. Friend the Member for Gordon (Alex Salmond)—of all political parties, who have worked hard to achieve the best governance that decision-making closer to home can bring.

The outgoing Scottish Government have already acted with pace and creativity, in consultation with others, to be ready to use the limited powers—there are, of course, limits on the powers that are being devolved. That includes introducing a social security Bill within the first year of the new Scottish Parliament, to support the transfer and administration of Scotland's new, devolved social security benefits. It also includes enhancing opportunities for employment and inclusive economic growth by improving support for people to move into employment through reform of the Work programme and linking employment programmes with training and education.

The outgoing Scottish Government have also committed to abolishing fees for employment tribunals, to reduce the burden of air passenger duty by 50%, and to promote equalities by taking early action on gender balance on public boards. They have also set out longer-term intentions for further income powers, are committed to a progressive taxation policy and have applied that to the decision on existing tax powers. Commencement of most of the new powers will take place in 2016, but new arrangements for the use of major new powers on matters including tax and welfare will not be in place before April 2017 following scrutiny of the proposals by the Scottish Parliament.

On 11 March 2016, the Scottish Parliament's Devolution (Further Powers) Committee published its final report and gave its unanimous recommendation that legislative consent be given to the Scotland Bill. That was described as

“a significant milestone in a remarkable political process”

by Committee convener Bruce Crawford MSP. I pay tribute to him and his colleagues on the Committee, as I do to my hon. Friend the Member for Perth and North Perthshire (Pete Wishart), the Chair of the Scottish Affairs Committee, for their work. Although the Scotland Bill and the Smith commission could have delivered more effective and coherent powers to the Scottish Parliament, the Bill provides useful additional powers in important areas such as taxation and social security.

The UK Government amended the Bill to reflect some of the comments of the Scottish Government, the Scottish Parliament and its Committees. With an agreed fiscal framework that increases the Scottish Parliament's responsibility and protects the Barnett formula, the Scottish Government recommended that the Scottish Parliament consent to the Scotland Bill. The final report of the Devolution (Further Powers) Committee also had some important things to say:

“There are still some areas where we feel that the Scotland Bill continues to fall short of the spirit and substance of Smith... Nevertheless, the Bill has been improved during its passage through our detailed scrutiny and we welcome the fact that the Secretary of State for Scotland has been prepared to listen to the evidence we have presented and improve the Bill in other areas... in our view, on the basis of the information provided to date by both governments, we are prepared to endorse the fiscal framework underpinning the powers to be devolved to Scotland as part of this Bill. Therefore, on balance, we recommend that the Scottish Parliament gives its legislative consent to the Scotland Bill.”

UK Government amendments that implement more of the Smith report, including the permanence of the Scottish Parliament, are welcome. However, it needs to be said that the Scotland Bill continues to fall short of the spirit and the substance of Smith in some areas, including the devolution of employment programmes and the future operation of the legislative consent provision. It is important to understand that the UK Government can still effectively veto the exercise of devolved powers over universal credit by inserting their own date for the changes to commence. The social security provisions on discretionary payments and assistance are still subject to restrictions, notably for those who are under sanctions. The Smith report was clear that the Scottish Parliament should have complete autonomy over devolved benefits. The Scotland Bill is many things, but it is not federalism or near-federalism. Anybody who understands the powers of the German or Austrian Länder knows that to be true. It is an improvement, and it is progress.

We in the SNP thank all in the Scottish Government who have been involved, especially John Swinney. We also thank those on the UK Government side, even though—this is an important rider—I see that there is a Minister from the Treasury on the Treasury Bench, and we all know that the Treasury wanted a fiscal framework that would have made Scotland worse off by £7 billion. Thank goodness for the efforts of John Swinney and colleagues in the Scottish Government. I would like to take the opportunity to thank my SNP MP colleagues, who have worked so hard on the Bill throughout the parliamentary process. In fairness, it is also right to place on record the fact that Members in the other place spent a lot of time on the Bill.



Most importantly, I thank all those in Scotland who have believed in more powers. They did not draw lines in the sand or say, “This far, and no further”, as others have done, even in the recent past. Thanks to all those yes voters and all those SNP voters, Westminster has had to take note. This is just the latest stage on Scotland’s journey, and there will be many more. We agree with the amendments, and we wish the Bill to proceed. That is exactly what will happen today.

**David Mundell:** I will not detain the House for long, but I want to respond briefly to some of the points that have been made.

I add my best wishes to all Members of the Scottish Parliament who are leaving at this election, particularly my colleagues and others who were elected to the Scottish Parliament alongside me back in 1999. A number of people who have served in Parliament throughout that period are leaving, and others who are standing in the election will be leaving, although not necessarily of their own accord. We should wish them well.

6.15 pm

I am very grateful to the hon. Member for Edinburgh South (Ian Murray) and the right hon. Member for Moray (Angus Robertson) for what they said about Scotland Office officials. They will both recognise that the Scotland Office is a small team, and bringing the Bill together, along with 10 other Whitehall Departments, has been a very significant undertaking for the Scotland Office. I pay particular tribute to the Bill team, who have navigated us to this point.

I also pay tribute to Michael Clancy and his efforts on behalf of the Law Society of Scotland. All Scottish Members, including the new ones at the last election, will have come to see Michael as one of the most dogged pursuers of improved legislation across the gamut of what affects Scotland in this place. I very much welcome his involvement.

My test for the Bill was the views of Lord Smith of Kelvin. He has been absolutely clear that, with the amendments made to the Bill on Report and with the fiscal framework as negotiated, the Bill fully meets the Smith commission recommendations. That is the test—the objective test—that should be applied to the Bill.

I welcome the contribution that all Members have made, particularly in Committee. We have had some lively discussions on the Floor of the House. I very much welcome the work of the Devolution (Further Powers) Committee in the Scottish Parliament. I have said in correspondence with Bruce Crawford—I am happy to put this on the record in this Parliament—that its scrutiny of the Bill has been exemplary and has contributed significantly to improving it. We of course recognise the detailed scrutiny of the Bill in the other place.

The Bill is now on the final stage of its journey, so it is appropriate briefly to consider what lies ahead. The co-operation between Scotland’s two Governments and Parliaments that has underpinned the Scotland Bill and fiscal framework will be fundamental to the success of the work that now needs to take place to implement the new powers. Last week, the Deputy First Minister and I discussed the initial plans for the transfer of powers following commencement, and I will continue that dialogue with the Scottish Government immediately after the Holyrood elections.

To date, both Governments have agreed that the full devolution of income tax rates and thresholds for non-savings and non-dividend income will commence in April 2017. Air passenger duty will be devolved in April 2018, and the implementation dates for welfare will be agreed by the joint ministerial working group on welfare. The majority of the remaining provisions will be commenced either on Royal Assent or two months after Royal Assent.

Political discourse in Scotland is already changing as a result of the Bill, moving on from a debate on process to one about how the powers will be used. I am expecting a lively debate during coming weeks about how these powers should be used for the benefit of the people of Scotland. I look forward to working further, after the elections, with the Scottish Government to ensure their smooth and effective transfer. I urge the House to accept the Lords amendments.

*Lords amendment 1 agreed to.*

*Lords amendments 2 to 62 agreed to, with Commons financial privileges waived in respect of Lords amendment 22.*

**Sir William Cash (Stone) (Con):** On a point of order, Mr Speaker. Under section 5 of the European Communities (Amendment) Act 1993—the Maastricht Act of Parliament—there is a requirement on the Government:

“Before submitting the information required in implementing Article 103(3) of the Treaty...to report to Parliament for its approval an assessment of the medium term economic and budgetary position in relation to public investment expenditure”. [*Interruption.*]

**Mr Speaker:** Order. This is a serious point of order to which I hope Members will want to attend. If they do not, they can always pursue their enthusiasms elsewhere. I want to listen to the hon. Gentleman’s point of order, as should those on the Treasury Bench.

**Sir William Cash:** As the Minister knows, that provision concerns convergence criteria, and stability and growth factors. The trouble is that the document we have been given, entitled, “2014-15 Convergence Programme for the United Kingdom: submitted in line with the Stability and Growth pact”, contains in pages 141 to 145 a detailed assessment of the position on welfare caps and other spending, including matters relating to disability benefits and personal independence payments, about which there has been a great deal of controversy over the past few days.

I therefore submit to you, Mr Speaker, that it is impossible for the Government to be able to submit that document, which has now been significantly changed as a result of the controversy of the past few days, and it is therefore inappropriate for them to proceed with this debate. What is your view?

**Mr Speaker:** I am grateful to the hon. Gentleman for his point of order, which I think I will describe as a conscientious effort at derailment of the Government’s intended programme of business. I say that not in a pejorative sense, as it is a perfectly legitimate attempt. I hope that those on the Treasury Bench, and other Government Members, are cognisant of what the hon. Gentleman has said, and that they have followed the logic of his argument and the substance of his thesis. I am not altogether sure that all expressions on ministerial faces have been entirely comprehending of his point,

[Mr Speaker]

even though it is pretty straightforward, but my advice to the hon. Gentleman is that if at the end of the debate he is dissatisfied he will have to register that with his vote. He is saying that the terms of trade have changed, but that is often the case, and he should seek to catch my eye to develop his arguments more fully in the course of the debate.

**Sir William Cash** *rose*—

**Mr Speaker:** I am not sure that there is really a further point of order, but as it is the hon. Gentleman, I am minded to indulge him.

**Sir William Cash:** Further to that point of order, Mr Speaker. I just wanted to mention the ministerial code. After all, it is incumbent on Ministers to give accurate information to Parliament, and I wish to register that point.

**Mr Speaker:** The hon. Gentleman has registered that point, although, as he will know, I am not responsible for the ministerial code. Others are, however, bound by it, and therefore have a responsibility to it. That point is on the record.

**John Redwood** (Wokingham) (Con): Further to that point of order, Mr Speaker. I wonder whether it would be sufficient for Ministers to report orally to the House on how they propose to amend the figures, which are clearly wrong.

**Mr Speaker:** It is entirely open to Ministers to do that in the course of the debate. I have no desire to steer the debate as that would be very wrong, but I have a hunch that if the Minister does not provide satisfaction on that front, he might be peppered with attempted interventions from either the hon. Member for Stone (Sir William Cash) or the right hon. Member for Wokingham (John Redwood). We will leave it there for now.

## Section 5 of the European Communities (Amendment) Act 1993

6.24 pm

**The Financial Secretary to the Treasury (Mr David Gauke):** I beg move to move,

That this House approves, for the purposes of Section 5 of the European Communities (Amendment) Act 1993, the Government's assessment as set out in the Budget Report and Autumn Statement, combined with the Office for Budget Responsibility's Economic and Fiscal Outlook and Fiscal Sustainability Report, which forms the basis of the United Kingdom's Convergence Programme.

After four days of debating the Budget I am sure the whole House will welcome a further opportunity to debate the UK economy, given the information that will be provided to the Commission this year under section 5 of the European Communities (Amendment) Act 1993.

As in previous years, the Government inform the Commission of the UK's economic and budgetary position as part of our participation in the EU's stability and growth pact. The convergence programme explains the Government's medium-term fiscal policies as set out in the 2015 autumn statement and Budget 2016. It also includes the Office for Budget Responsibility forecasts. As such, it is based entirely on previously published documents that have been presented to Parliament. It is the content, not the convergence programme itself, that requires the approval of the House for the purposes of the 1993 Act.

**Mr David Nuttall** (Bury North) (Con): Will my hon. Friend explain, for the benefit of the House, what he understands by the meaning of the word "convergence"?

**Mr Gauke:** The important point here is that the United Kingdom is not obliged to converge with other EU member states. If I remember correctly, the terminology dates back to the Maastricht treaty, and this is a part of the process that originates from that. The UK is not subject to any sanctions as a consequence of our participation in this process, nor are we required to take any directions from the European Commission in respect of our economic policies.

**John Redwood** (Wokingham) (Con): But surely the purpose of tabling the numbers to the Commission is that it puts it under what it calls "surveillance"? It can then make an adverse report. It is very clear that the intention is that our budget deficit should never be more than 3% of GDP. I note that, for the first time in some time, the Government will at least get the budget deficit below 3%. I am in favour of doing that anyway, but is it not the case that they have to do that because that is what convergence is all about?

**Mr Gauke:** It is the case that the provision dates back to the Maastricht treaty—no doubt my hon. Friend the Member for Stone (Sir William Cash) can provide further details on its history—which was incorporated into the European Union (Amendment) Act 1993. That requires us to submit a report. The important point for the House is that this does not give the European Commission the ability to impose sanctions on the UK. I am in complete agreement with my right hon. Friend that the UK should not have excessive deficits, but that is a matter ultimately decided by this House, this Parliament and the elected Government of the United Kingdom.

**Sir William Cash** (Stone) (Con): I know my hon. Friend listened to what I said in my point of order, so I would like to address the point to him personally. Section 5 states:

“Her Majesty’s Government shall report to Parliament for its approval”—

on the basis that it is accurate—

“an assessment of the medium-term economic and budgetary position”.

It is absolutely clear, unless he can tell me that this document was prepared since the controversy of the past few days, that this cannot be accurate and nor can it be a proper assessment. To report to Parliament something that is not accurate is quite an important and rather difficult problem for the Minister, is it not? What measures will he take to correct the position, so that Parliament can approve it on the basis of an accurate assessment?

**Mr Gauke:** I will return to that point later, but let me address it in short now. The information provided to the Commission under this process is and has always been based on information already published. It is not a new exercise. We do not ask the OBR to go through the process once again. It is required to produce its documentation and make its assessments at the times of Budgets and autumn statements, and we do not think that our requirement under European legislation is such that we should require the OBR to go through that process again.

The essential position of the public finances remains the same. Notwithstanding the announcement on personal independence payments, it remains the case that from next year debt will be falling every year, that the deficit will be falling each and every year of this Parliament and that we will be in surplus in 2019-20. I suspect that my hon. Friend the Member for Stone (Sir William Cash) would not be keen for us, as a consequence of this requirement—I suspect he is no enthusiast for our going through this process in the first place, but the fact is we have to go through it—

**Mr Nuttall:** Why?

**Mr Gauke:** Because that is what the law requires us to do.

It would not seem proportionate, in these circumstances, to do anything other than submit documentation previously prepared by the OBR.

**Sir William Cash:** I just want to put this to bed. I have made the point that the documentation cannot be accurate—unless my hon. Friend is going to tell me the Government have changed the figures since publication—but there is a second point. It appears from the figures, which can be a bit confusing for some people, that there is a black hole. Some people allege it is as much as £4 billion and others say it is only £1.3 billion—it relates specifically to PIP—but he will appreciate that it is not possible for the documentation to be accurate. This has nothing to do with the OBR as such—it is not the OBR report being submitted—but concerns the Government’s own assessment. Will he be kind enough to get that right? It is important that we are accurate.

**Mr Gauke:** Our principled approach over several years has been that the documentation provided to the Commission is based on the most recent publications. I

do not think it would be sensible or proportionate to rerun elements of a Budget process purely for an EU audience. That would not be the right thing to do.

**George Kerevan** (East Lothian) (SNP): On the accuracy of the information being transmitted to the Commission, there is another matter, which has not been brought up. The figures for February’s tax receipts have led to a significant increase in February borrowing. It is therefore impossible in the final month of the financial year for the Government to hit their declared target for borrowing. It will be greater than the target—so, again, the information is inaccurate.

**Mr Gauke:** Again, I make the same principled point. We provide information already published in these reports—we do not seek to amend it—although the hon. Gentleman makes an interesting point: should this be updated monthly in the light of public finance numbers? I would make a second point about the public finances, however. Having been in the Treasury for a little while now, I know that public finance numbers can be quite volatile, so one should take good news and bad on a monthly basis with a pinch of salt. It is only when one steps back that one has a good view of the overall position, and that is what the OBR does twice yearly.

On the process, I remind the House that although the UK participates in the stability and growth pact, by virtue of our protocol to the treaty opting out of the euro we are required only to endeavour to avoid excessive deficits. The UK cannot be subject to any action or sanctions as a result of our participation in the pact. Following the House’s approval of the economic and budgetary assessment that forms the basis of the convergence programme, the Government will submit that programme to the European Commission. The Commission is expected to make its recommendations to all EU member states in mid-May. These recommendations will then be agreed by Heads of State or Government at European Council.

**Mr Nuttall:** This process takes place, as we both know, every year, and we have this debate every year. What, however, is its purpose? What possible benefit is there in going through the motion or charade of submitting this document to Brussels every year? What are the benefits for this country and for my constituents?

**Mr Gauke:** Apart from the fact that the law requires us to do this, I would tell my hon. Friend that the UK has a proud record of structural reform. We are performing better than many other EU member states. To the extent that other such states are able to examine the measures that we have been taking to improve the performance of the UK economy and to the extent that they see it as an example well worth following, this will help to strengthen other EU member states’ economies, which might have a benefit to the constituents of my hon. Friend. The fact that we are leading the way as the fastest-growing major western economy means that we have a proud record. We should not be hiding our light under a bushel.

Budget 2016 set out the Government’s assessment of the UK’s medium-term economic and budgetary position. In uncertain times and against a deteriorating global

[Mr Gauke]

economic outlook, the Budget delivers security for working people. It takes the next bold steps in the Government's long-term economic plan. The UK is forecast to grow faster than any other G7 economy this year, with employment at record highs. Against that, productivity growth is weaker than forecast, while globally the economic picture is less positive than it was six months ago.

The OBR tells us that, in every year of the forecast, our economy grows and so, too, does our productivity, but it has revised down growth in the world economy and in world trade. The OBR also notes concerns across the west about low productivity growth, and has revised down potential UK productivity growth. In the face of the new assessment of productivity and the slowing global economy, the OBR now forecasts that UK GDP will grow by 2% this year, 2.2% again in 2017 and then 2.1% in each of the three years after that.

I shall not go through all the figures that have been debated at some length relating to the deficit and the debt, and I shall not go through all the Government's measures. What is clear is that we are restoring our public finances, heading towards a surplus at the end of this Parliament and reducing the deficit year on year. I hope that the House will, in line with section 5 of the European Communities (Amendment) Act 1993, approve the economic and budgetary assessment that forms the basis of the convergence programme. I look forward to hearing this evening's debate.

6.38 pm

**Rob Marris** (Wolverhampton South West) (Lab): I have to say that I have some sympathy with the hon. Member for Stone (Sir William Cash) and the right hon. Member for Wokingham (John Redwood). I draw the House's attention to the wording of the motion, which states:

"That this House approves...the Government's assessment as set out in the Budget Report and Autumn Statement".

Even the Chancellor of the Exchequer does not accept the assessments made in the autumn statement, yet we are now going off to Brussels and—if the motion is passed; I hope it is not—saying that we accept them.

I hope you will give me a little latitude, Mr Speaker, because I would like to start by setting the scene of where we are with our economy and looking at some of the history behind it. We must look at credibility. In the 2015 general election, Labour lacked economic credibility and people voted accordingly. It is true that most of the economic meltdown in the UK in 2008 was due to world factors such as the Lehman Brothers collapse and so forth. Let me try, however, to dispose of the myth to which some in Labour still cling—namely, that there were no real problems with the UK economy when the world economic meltdown occurred in 2008 and that all Labour's economic problems thereafter were due solely to world factors.

That analysis is just plain wrong, and most people know it. Most voters know that the Labour Government did great things to improve our society and our economy, but voters also know that Mr Gordon Brown made some fundamental economic mistakes—for example, the nonsense of his slogan "an end to boom and bust", his light-touch regulation of the financial services sector,

the disaster of the private finance initiative, and large deficits in the good times. Just before the world meltdown, the UK annual deficit was 3.1% of GDP.

As I have said in the House before, Mr Brown arrogantly ignored the warnings that some of us gave him well before the crash. I am angry and sorry that he made those mistakes, because they meant that the UK economy was not as well placed as it should have been before the world crash. Even without them, the UK's defences would have been overtopped when the financial tsunami came across the Atlantic, but not by so much. Today, our economy faces what the current Chancellor has described as world headwinds, and because of the current Chancellor's own mistakes the UK is far worse placed to withstand those headwinds than it was in 2008, when the world tsunami hit. The national debt expressed as a percentage of GDP, for example, is far higher than it was in 2008, and it is now rising.

**Sir William Cash:** In the light of the strictures that the hon. Gentleman has imposed on his former Prime Minister, may I just mention that the national debt, which is currently regarded as being about £1.5 trillion, rises to between £3 trillion and £4 trillion if, for instance, Network Rail and the pension liabilities are taken into account? Does the hon. Gentleman accept that that is the real position?

**Rob Marris:** Network Rail should be included; future pension liabilities should not.

The Chancellor is fond of saying that the current Government and the last coalition Government have fixed the roof while the sun was shining, and that Labour failed to do so. Well, only 20% of infrastructure projects have been started over the last six years. Under Labour Governments we had many more hospitals and schools, and we also had the £12 billion decent home programmes for doing up social housing. As a result, there was a great deal more social housing, including housing association and council properties, than there has been under the current Conservative Government and the coalition.

I welcome the creation of 2 million more jobs since 2010—that is the jewel in the Chancellor's crown—but it has been bought with a sea of debt, a point to which I shall return. The proportion of part-time workers in the work force has remained broadly the same for the last 10 years, but there is concern about the growth of zero-hours contracts, although I must say that that concern is sometimes overblown. There is also concern about regional imbalances between London and the rest of the country, although I am pleased to say, as a west midlands Member, that they have lessened somewhat in the last two years. However, according to the Office for National Statistics, median gross weekly earnings in the United Kingdom fell by about 4.5% in real terms under the coalition Government.

A theme of the Chancellor's Budget statement was "We choose to put the next generation first."—[*Official Report*, 16 March 2016; Vol. 607, c. 951.]

What happened about student fees and loans in England? What happened about the abolition of the education maintenance allowance in England? What happened about the spiralling cost of housing in the last six years because the Government singularly failed to address that issue, thereby increasing intergenerational imbalance?

What happened about this Government's selling of a record amount of state assets this year? Those assets could have gone to the next generation. What happened about this Government's carrying on with the disastrous policy of PFI? And what happened about the deficit and the national debt?

We were told that the deficit was not going to be eliminated by 2015. Well, these things happen. Is it going to be eliminated by 2020? Barely any commentators besides the Chancellor of the Exchequer himself believe that. The Financial Secretary to the Treasury says this evening that we are doing better than other member states. I have to tell him that that is not true. In the G7, for example, our deficit compared with those of the other seven states is the sixth worst; only that of Japan is worse. In 2014, the deficit in Greece—poor old meltdown Greece—was less as a proportion of GDP than the deficit in the United Kingdom. In 2015, according to the International Monetary Fund, they will be the same. That is not a great example to set.

The changes, positive as they may be, with some anaemic growth and considerable growth in employment, have been bought on a sea of debt. Government spending is out of control. Let us look at the national debt. I am grateful to the economist Richard Murphy for providing me with these historical figures. In 2014 prices, the average borrowing by Labour Governments for each year in office since the war was £26.8 billion. The figure for Conservative Governments was £33.5 billion. The average borrowing, in 2014 prices, for each year in office excluding the period since the world crash in 2008—it could be argued to be unfair to the last Labour Government and the Conservative-led Governments to include that period—was £17.8 billion for Labour Governments and £20.6 billion for Conservative Governments.

Let us look at the percentage of years in which debt was repaid by Governments since the war. Part of the national debt was repaid in a quarter of post-war Labour Government years; the same happened in 10% of Tory Government years since the war. Let us now look at the total repayments of the national debt made by respective Governments, in 2014 prices. Conservative Governments have managed to pay off £19.9 billion of the national debt. Labour Governments, who have far more economic credibility, have paid off £108.8 billion. This Government's spending is out of control. The national debt is up two thirds in six years, and this year it is forecast to increase slightly as a percentage of GDP.

It is a good thing that Mr Brown kept the United Kingdom out of the euro. Had he not done so, we would be in special measures big time under the terms of the growth and stability pact. The treaty defines excessive budget deficits as those that are greater than 3% of GDP. The current Chancellor has failed that test six years running, and on current forecasts—they could of course change next week—he is set to scrape in under the wire at 2.9% this year. The other element of the definition of excessive budget deficits under the growth and stability pact is that public debt is considered excessive if it is greater than 60% of GDP. It should also be falling by 5% per year on average over a three-year rolling period. The current Chancellor is on track to fail that test 10 years running.

The Chancellor is borrowing on the credit card to pay the day-to-day bills. He is also borrowing on a mortgage to buy bricks and mortar. That is fine for infrastructure—that is what Labour would do and it is what many

families do. We borrow on a mortgage to pay for the bricks and mortar, but we should not borrow on the credit card to pay the day-to-day bills.

This Chancellor has been in office for six years and it is time that he took some responsibility. Frankly, it is wearisome, juvenile and harmful to our economy to keep blaming the previous Labour Government. I urge all Members of the House to vote against the motion tonight.

**Several hon. Members** *rose*—

**Mr Speaker:** Order. I will just point out for the benefit of the House that we have an hour and four minutes of the debate left, which should be enough.

6.50 pm

**Sir William Cash** (Stone) (Con): I have already made my point about the inaccuracy embedded in the report and need not repeat any of that; I am sure that the Minister heard what I said. In a way, it is an impossible situation for him, but that does not remedy the inaccuracy, and I need to hear what the Government propose to do. It may be inconvenient or fortuitous, but the reality is that it is there. The approval by Parliament of these documents for the purposes of onward submission to the European Commission simply cannot be conducted on the basis of the documents under consideration. I will now park the issue, but I am inclined to vote against the Government this evening on account of the inaccuracy, because it just does not make sense. I will be glad if the Minister tries to put things right in some manner, even if only orally, but he may be unable to do so. It is perhaps just as well if I leave things as I have just stated.

What I really want to refer to is the question of national debt, which I mentioned in an intervention. The problem is that the stability and growth pact, the convergence criteria and the 3% are important because they are the basis upon which countries decide whether to run their economies in line with European law or to be cavalier, and there are massive problems in the European Union relating to all that. My right hon. Friend the Member for Wokingham (John Redwood) mentioned that we are just about on the cusp of 3% at the moment, but that is simply not the case in other countries, which raises an important question. For example, the Italians are in dire trouble and are in an enormous battle to try to get some wiggle room into the stability and growth pact, which has led to extremely bad relations with Germany.

In 2003-04, however, nobody blinked an eye when it suited Germany to play around with the pact and not comply with its provisions. Italy is in difficulties and Greece remains in monumental difficulties, infringing the rule of law in Europe as expressed in the stability and growth pact and the convergence criteria, but Germany insists that everybody else obeys the rules until it does not suit it to do so. I find that difficult to accept. In fact, I do not accept it; I reject it. Either there is a rule of law or there is not. The bottom line is that there is a great deal of talk in the European Union about the rule of law, but unfortunately Germany does pretty much what it wants

**John Redwood:** I remind my hon. Friend that, even today, when Germany would say that she is very virtuous in having no budget deficit, she still has a

[John Redwood]

much bigger proportion of debt to GDP than the 60% criterion and no obvious means of getting back down there.

**Sir William Cash:** My right hon. Friend is, of course, right about that, as he really understands all these things. There are massive problems with the whole of this European project, not only because of the inconsistencies but because of the laying down of requirements and obligations that are, in effect, disregarded when it suits certain countries but not when it suits others. The performance required under section 5 relates not only to the accuracy of the figures, to which I have already referred, but to social, economic and environmental goals, as set out in article 2 of the treaty, and a range of submissions in respect of article 103, which deals with economic growth, industrial investment, employment and the balance of trade.

I am happy to agree that the Conservative Government have managed to retrieve the appalling situation that faced us before 2010, but that does not alter the fact that we are talking about a debt level of £1.5 trillion when it is actually very much more than that. I have suggested that if we include the pension liabilities, it could be as much as £3 trillion to £4 trillion. One really has to take that on board, because if someone running a company conveniently parked an element of required debt, the auditors would never give them a clean bill of health. I do not see how pension liabilities can legitimately be off balance sheet, given the scale of this debt and the fact that all those public pensions have to be paid.

I want to move away from that issue, and I would be interested if the Minister would be good enough to refer to one these points in his reply, if he has time. I want to refer now to another aspect of this paper being presented to Parliament for its approval. Page 19 is headed: "Economic opportunities and risks linked to the UK's membership of the European Union". What follows on the whole of the page is a litany of reasons why we should stay in the EU. All the arguments of those who say, as I do, that we should leave are dismissed, and I find it tendentious. I have already criticised the three White Papers on the grounds that they lack accuracy and impartiality, which I was promised by the Minister for Europe when I put the point to him during a ping-pong between the Lords and the Commons on the duty to provide information under sections 6 and 7 of the European Referendum Act 2015. Yet, here we are, confronted with exactly the same problem. It is not just that there is inaccuracy embedded in this document, which I am bound to say I do not think the Government can get out of, but there is inaccuracy that conflicts with the provisions of those sections. There is a real list of problems here.

I should also mention the reference on page 19 to the virtues of the single market. I voted for the Single European Act in 1986 but I did table an amendment to say, in effect, that nothing in the Act shall derogate from the sovereignty of the United Kingdom Parliament. Things have moved on enormously since those difficult days, because if I table an amendment now to preserve the sovereignty of the UK Parliament, you, Mr Speaker, will allow it to be debated, and the Clerks of the House of Commons will not raise the difficulties that I was

faced with then. In a nutshell, I was told by the then Speaker, and indeed by the Clerk of Public Bills, that I was not allowed to move such an amendment—it was as bad as that. Mr Enoch Powell came up to me in the Lobby and said, "I see that you have put down this amendment, and I agree with you." As in so many other matters relating to economics, he was not exactly wrong.

The reference to the single market has to be weighed against whether it has achieved its objectives. Page 19 says that the single market is full of virtue and is entirely necessary for the United Kingdom.

7 pm

*The debate stood adjourned (Standing Order No. 15).*

### BUSINESS OF THE HOUSE

*Motion made, and Question put forthwith (Standing Order No. 15 and 41A(3)),*

That, at this day's sitting,-

(1) Standing Order No. 41A (Deferred divisions) shall not apply in respect of Questions on:

(a) the motion in the name of Mr David Gauke relating to Section 5 of the European Communities (Amendment) Act 1993; and

(b) the motion in the name of Chris Grayling relating to Opposition Parties (Financial Assistance); and

(2) proceedings on the motion in the name of Chris Grayling relating to Opposition Parties (Financial Assistance) may be proceeded with, though opposed, until any hour.—(*Julian Smith.*)

*Question agreed to.*

### SECTION 5 OF THE EUROPEAN COMMUNITIES (AMENDMENT) ACT 1993

*Debate resumed.*

*Question again proposed.*

**Sir William Cash:** I wish to put on the record again the position with regard to the single market, and I would really like the Minister, for whom I have a lot respect, to answer my question, which I have put over and over again. It is based on figures from the Office for National Statistics and the House of Commons Library.

There is no disputing the fact that we run a trade deficit on current account transactions—imports and exports and good and services—of £58 billion a year, which is a lot of money. That £58 billion deficit is with the other 27 states of the European Union. We run a loss of £58 billion a year, and I do not regard that as small change. However, Germany runs a surplus of £67 billion with the same 27 member states. If someone can tell me that that is a single market that we need, I would like to hear them repeat it from the Dispatch Box, because it cannot be in our interests.

Furthermore, if we take that same criterion of current account transactions, we run a surplus of well over £36 billion with respect to the rest of the world, and that is selling the same goods and services. Clearly, therefore, there is nothing wrong with our goods and services, but such trade does not work for us in the way that it could and should when we are dealing with the European Union and the single market.

**John Redwood:** Does my hon. Friend agree that £12 billion of the £58 billion deficit with the European Union is the money that we have to send to it and that we do not get back? It is payment in order to buy its imports. One does not normally have to make a contribution to a country in order to import things from it.

**Sir William Cash:** It has been said in the past that the House of Commons is the only lunatic asylum that is run by the inmates, but I think we pale into insignificance compared with the European Union. This just does not work. I ask the Minister to make a note on the piece of paper in front of him to remember to answer my question relating to that deficit and surplus issue, because every time I raise it I get no answer. Although I agree that we will continue to trade and to co-operate with Europe—we want to do so and they want to do it with us—when it comes to this question of the need to stay in the single market, it simply does not stack up. This document is put forward for approval by Parliament, so we are entitled to an answer to that question.

**George Kerevan (East Lothian) (SNP):** In case the Minister does not answer, let me say that a sizeable proportion of the imports that Britain takes from the EU are in fact intermediate products, such as automotive parts, that go into goods that we then re-export. We are talking about supply chain interconnection, not free-standing goods.

**Sir William Cash:** I can only refer to the fact that these are ONS figures. They are endorsed and verified by the House of Commons Library, and I will leave my point at that.

The argument on page 19 moves forward to a suggestion that any

“new relationship which gives the UK...access to the single market that it needs”—

that assertion continues to be made—

“would involve contributing financially to the EU”,

which we are certainly doing to the very substantial extent of about £10 billion a year, and

“accepting the free movement of people”.

The European Scrutiny Committee has been trying to have a debate on that for the best part of 18 months, but without success. I had a meeting with the Minister about it only today. That goes right to the heart of the viability of free movement and the immigration that flows from it. The argument continues:

“and adopting EU rules without having any say over them.”

I repeat: without any say over them.

Today, the European Scrutiny Committee embarked on an investigation into the influence it is claimed we have and the manner in which decisions are taken in the European Union. This document implies that, somehow or other, we have massive input. The European ombudsman is looking into the question of trilogues, but within the decision-making process of the Council of Ministers it is horrendous to observe the extent to which votes are not taken. The so-called consensus on all matters, including those dealt with on page 19, is arrived at without a proper degree of accountability—in fact, I would say no real accountability of any kind. Decisions are taken in what I would describe as a Dan Brown’s “Da Vinci Code” situation, in which the Illuminati—otherwise known as COREPER—make deals behind the closed

doors of unsmoke-filled rooms. We do not know and cannot find out how the decisions are arrived at. There is no agenda; nobody knows who decided what and on what basis. It is an affront to the democracy of this country that the decisions that affect the daily lives of everyone in it in respect of the whole gamut of European rule making are made almost entirely without majority voting taking place, in COREPER. It is deeply offensive. It is a black hole and the European Scrutiny Committee is looking into it.

Finally, page 19 talks about productivity. All I would say on that is that, as I understand it, the OBR, whose report is contained in this document, says that the biggest problem this country has is lack of productivity.

The whole of our economic performance is being presented to the European Commission for approval under the 1993 Act and to Parliament for approval today. I will not vote in favour of the motion and I certainly will not approve this load of rubbish. I will vote against the Government because I do not believe that page 19 is true or accurate. I do not agree that the basis of the statistics relating to PIP is such that the document is sufficiently valid to be presented to Parliament. It is a serious matter. We have become far too accustomed to saying, “Oh well, it’s just a blip—just a slight mistake. Someone got something wrong. Let’s not take too much notice of it.” Well, I am going to take notice of it and I shall vote against the Government this evening on that account.

7.8 pm

**John Redwood (Wokingham) (Con):** I share the concern of my hon. Friend the Member for Stone (Sir William Cash) about page 19 and that is the main reason I have entered this debate. It is an unfair exposition on the opportunities and risks linked to our membership of the European Union and I do not think it accurately reflects what the OBR has been saying. I am pleased that the OBR has now spoken for itself and put on the record the important point that it does not believe that in the five-year forecast period, were we to leave, there would be a decline in economic output or activity. Like many forecasters, the OBR believes that the net impact would be quite small. Of course, in line with others it has said that there could be volatility in currency and asset price markets. All I would add is that there has been massive volatility in those markets in the years we have been a member of the EU, so it would be somewhat outrageous to claim that that would suddenly stop were we to leave the EU, but I cannot see that it is a particularly damning point.

My hon. Friend has gone on at some profound length about what is wrong with page 19. I hope Ministers will look again and realise that it is not a fair exposition of the OBR’s position. Linking the OBR’s position with Christine Lagarde’s comment, which is obviously a comment made for the “stay inside” campaign trail rather than for normal commentary purposes, gives a misleading impression.

I wish to make some more fundamental points about the figures and the document before us this evening. Let us start with why we are doing this at all. It is a completely pointless exercise, but it is legally required by the treaty and the framework of law under which we live. It is a great pity that in the renegotiation this, along with dozens of other things, was not sorted out because

[John Redwood]

if, as the Minister says, the Government can ignore the advice and the policy laid down by the European Union to control the deficit and get the debt down, what is the point of the Government having to table 300 pages of carefully selected documentation, go through the surveillance procedure, on some occasions receive a report saying that their policy is not good enough or they are not converging in the way that the European Union wishes, and the Government then saying, “Well, fortunately, there is no penalty on us so we will ignore that”?

It is strange to belong to a club, accept the rules and then, when we do not like the rules, say, “Of course, we didn’t really want any of that and fortunately we have been opted out of the penalty bit of it.” It is a strange exercise. I suspect that the official machine of the Government, which goes on whoever is in office, is quite guided by all this. There is probably a wish on the part of officials to get the British Government policy and the figures closer to the convergence requirements. It is high time the European Union itself had an honest debate about the most pressing and most difficult target it has set—the target that all member states should keep their stock of debt to 60% of their national income.

Practically every member state is way above that, and some of them violate the target by having more than double the level set down by the European Union. Why does that body think it is sensible to persevere with a target that none of the member states wish to keep and none of them are trying to reach?

**George Kerevan:** May I add that the rule that sets the 60% target also states that member states in breach must have a rectification programme and bring their debt level, whatever it is, down by five percentage points a year, which this Government have significantly failed to do and significantly will fail to do for a long, long time?

**John Redwood:** All the Governments are failing to do that, and it is even more pressing and difficult for a country such as Greece, where the penalties do apply because it is in the euro scheme. Despite all the best efforts of the European leadership, the European Central Bank and others, and very cruel and difficult expenditure cuts that Members in this House would not have accepted for the United Kingdom, Greece is still miles off getting anywhere near the stock-of-debt target and it has struggled until recently to get down to the deficit target.

We need to ask fundamental questions of our European partners about why we go through this routine and what malign influence it has on some economies and some economic performances around the European Union, which should be a matter of common concern all the time we remain in that body. The Minister says this is not a new exercise and it is not much of a burden on the British state; it is just one of those things, and we send in figures that we produce for other purposes. That is not quite true. The introduction to the document clearly has to be written, the selection has to be made, it is clear throughout the document that it is written for domestic purposes and for the purpose of forwarding it to the European Union, and we try to produce figures that we would not otherwise produce in order to conform with the workings of the European Union.

Next, I would like to highlight the figure for the convergence criteria and the so-called treaty deficit on page 186 of the report. That shows that in 2016-17, if all goes well and these figures work out, for the first time in many years we will get below the 3% target to 2.9%. That makes my point: we would not have to calculate that treaty deficit, think that it was significant or use it as part of the guidance for the British economy if we were not signed up to this surveillance and management system within the European Union. The Minister has to bear it in mind that there is actually some subtle guidance in the European policy. I think that many of my constituents would find it quite surprising that we have to table 300 pages of detailed financial and economic information in order to comply, and that that is then put through a scrutiny and surveillance process.

The next figure that I would like to highlight is on page 156, which shows how much in “expenditure transfers” we have to make to the European Union institutions—in other words, how much money we send that we do not get back. We see that the November forecast for 2016-17 was £10.7 billion, which is a very considerable sum, and that the March forecast, just four months later, has gone up to £11.8 billion. Between the autumn statement and the current Budget there is an increase of £1.1 billion in next year’s expenditure transfers to the EU institutions.

That figure of £1.1 billion is very close to the figure that the Government had pencilled in for disability cuts. I do not know about you, Mr Deputy Speaker, but I would rather not have the disability cuts and not pay £1.1 billion extra to the European Union. Why can we not make those kinds of choices? The reason, of course, is that we are signed up to membership of an organisation that thinks it knows better than we do how to spend our own money. I think that people in the United Kingdom are getting very frustrated at being told that we have to be very careful about our priorities, only to discover, if they get guidance from these complex figures, that the European Union can take £1.1 billion extra off us for next year without a by-your-leave. That leaves us struggling to find that money when we try to make the Budget add up, ending up with options and choices that I am sure Ministers did not really want to make, and which Parliament, in its wisdom, has decided should not be made.

I draw the House’s attention to some very important figures on page 205 that the Government are sending to our European partners and masters about projected net migration into the United Kingdom. I was very happy to campaign with my right hon. and hon. Friends at the previous general election on a sensible and sensitive policy of controlled migration, wishing to get it down to the tens of thousands by the end of the Parliament. It was a very popular policy, because I think that people liked the idea that there would be a fair system offering sensible rules so that people could understand it before deciding whether or not to come to our country. Interestingly, the forecast that we are sending to the European Union shows that the level of migration will stay much higher than the Government’s target—it shows 256,000 in 2016, declining to 185,000 in 2021. There is also a further projection in which net migration stays considerably higher, actually above 250,000 in every year.



I think that matters, because the Government's intentions are very clear: they would like to get net migration well below these forecast figures. Why, then, is the forecast so high? I think that it is very simple: the forecast is that high because the European continental economies, particularly in the south of our continent, are performing very badly and have created mass unemployment on an extremely worrying scale, so the UK, which has a more successful economic policy that is generating a lot of jobs, is acting as a magnet for people who are otherwise without hope of employment.

That policy is making it very difficult for the United Kingdom Government to hit their very popular target on migration. I hope that when this document is submitted Ministers will follow it up by pointing that out to the European Union and saying that they have a solemn promise to keep to the United Kingdom electors, who helped elect them to government, and that this set of EU policies, creating joblessness and therefore triggering a lot of foot-loose migration around the European Union, is making it very difficult to honour that promise.

It also leads us to worry about the quality of some of these forecasts, because I am sure that the Government wish to get the level down, but there is a great danger that the variant of a much higher level has been put in, because actually that is what they are afraid will happen. I hope the Minister will consider that when he replies and that if we are going to go through the process of submitting our homework on economic matters to the European Union to be marked—by sending it 300 pages of figures—we will also say to it, “You are making it impossible for us to meet our legitimate wish to create more jobs to mop up unemployment in our country and to get wages up, as we would like to, because your failing economic policies in many parts of the euro area are bringing a number of migrants into our country that makes it impossible for us to meet our targets.”

Those are just a few brief comments on an extremely complex set of documents and numbers, which show that, while we stay in this body, we need to engage much more and to get some change so that there is honesty in the targeting and an understanding of the damage that some of the targets and policies are creating. However, it will not be a surprise to hon. Members to learn that I think that the simplest thing would be for us to leave the European Union so that this is the last one of these documents we ever have to produce. We can then take control of our own money, banish austerity, spend the £10 billion on things that we want and leave the European Union free to get on with its political union, which is clearly what it will need to do to try to deal with the mass unemployment, the lack of cash transfers and the inadequacy of its regional policies.

I hope tonight's debate will be of use to the general public and that they will understand that we can take back control, spend our own money, and have prosperity, not austerity. That is what we will get if we leave the European Union.

7.21 pm

**Mr Gauke:** The debate has addressed both the Budget and our membership of the European Union, so I am grateful to be on my feet at this point, and not later.

Let me respond to some of the points that have been made. To come back to what I said to my hon. Friend the Member for Stone (Sir William Cash) about the numbers, it is important that the document is based on

information that has been published in advance and that we do not produce a mass of separate information and documentation for the purposes of meeting this requirement.

As my right hon. Friend the Member for Wokingham (John Redwood) will be aware—indeed, he touched on this—the requirement goes back to the 1993 Act. We are complying with obligations in our domestic law to provide this information, and it is therefore right that we do so.

The point raised by my hon. Friend the Member for Stone about our trade deficit with the European Union brings me to the wider issue of our membership of the EU. I know that he shares with me a belief in free trade, and in transactions where there is a willing buyer and a willing seller, both parties benefit from the transaction. The point I would make in the context of our membership of the EU is that, whereas 44% of our exports go to the European Union, only 7% of the European Union's exports come to the United Kingdom.

My right hon. Friend the Member for Wokingham mentioned the contributions we make to the EU. It is worth pointing out that, thanks to the deal secured by the Prime Minister, our net contributions—whether in cash terms, in real terms or as a proportion of GDP—are in fact falling.

Let me turn to the remarks made by the hon. Member for Wolverhampton South West (Rob Marris), who speaks as a shadow Treasury Minister. For the first time in the six years I have been a Treasury Minister, we have heard an apology from the Labour Front Bench for borrowing too much money before the crash. That is something the hon. Gentleman deserves some credit for, because, try as we might on many occasions, we never got one out of Ed Balls.

The hon. Gentleman criticised the Government's record on borrowing, but let us be clear: had we stuck with the structural deficit that we inherited, by 2020 we would have borrowed an additional £930 billion over 10 years. It is also worth pointing out that in May 2010, the International Monetary Fund forecast the UK to have had the largest budget deficit in the G20 that year. Between 2010 and 2016, the UK is forecast to have reduced its headline deficit at the second fastest rate in the G7—it is second only to the United States. The IMF forecasts that the UK will reduce its net debt as a share of GDP by more than any other G7 country between 2015 and 2020. If the hon. Gentleman believes that the problem is that we are borrowing too much money, perhaps he could explain why, time and again, the Labour party has opposed every measure we have taken to reduce the deficit.

We have had a lively debate, and I hope the House will support and approve the motion.

*Question put.*

*The House divided: Ayes 241, Noes 180.*

**Division No. 232]**

**[7.26 pm**

**AYES**

Aldous, Peter	Argar, Edward
Allan, Lucy	Atkins, Victoria
Allen, Heidi	Bacon, Mr Richard
Amess, Sir David	Baldwin, Harriett
Andrew, Stuart	Barwell, Gavin
Ansell, Caroline	Bebb, Guto

Bellingham, Sir Henry  
Benyon, Richard  
Berry, Jake  
Bingham, Andrew  
Blunt, Crispin  
Boles, Nick  
Bradley, Karen  
Brazier, Mr Julian  
Bridgen, Andrew  
Brine, Steve  
Brokenshire, rh James  
Buckland, Robert  
Burns, Conor  
Burns, rh Sir Simon  
Burrowes, Mr David  
Cairns, Alun  
Carmichael, Neil  
Cartlidge, James  
Caulfield, Maria  
Chalk, Alex  
Chishti, Rehman  
Churchill, Jo  
Clark, rh Greg  
Clarke, rh Mr Kenneth  
Cleverly, James  
Coffey, Dr Thérèse  
Collins, Damian  
Colvile, Oliver  
Costa, Alberto  
Crabb, rh Stephen  
Davies, Byron  
Davies, Chris  
Davies, David T. C.  
Davies, Glyn  
Davies, Dr James  
Davies, Mims  
Dinenage, Caroline  
Djanogly, Mr Jonathan  
Double, Steve  
Dowden, Oliver  
Drax, Richard  
Drummond, Mrs Flick  
Duddridge, James  
Duncan Smith, rh Mr Iain  
Dunne, Mr Philip  
Elliott, Tom  
Ellis, Michael  
Ellison, Jane  
Ellwood, Mr Tobias  
Elphicke, Charlie  
Eustice, George  
Evans, Graham  
Evennett, rh Mr David  
Fernandes, Suella  
Field, rh Mark  
Foster, Kevin  
Francois, rh Mr Mark  
Frazer, Lucy  
Freeman, George  
Freer, Mike  
Fuller, Richard  
Fysh, Marcus  
Gale, Sir Roger  
Garnier, rh Sir Edward  
Garnier, Mark  
Gauke, Mr David  
Ghani, Nusrat  
Gibb, Mr Nick  
Glen, John  
Goodwill, Mr Robert  
Graham, Richard  
Grant, Mrs Helen

Grayling, rh Chris  
Green, Chris  
Green, rh Damian  
Greening, rh Justine  
Grieve, rh Mr Dominic  
Griffiths, Andrew  
Gummer, Ben  
Gyimah, Mr Sam  
Halfon, rh Robert  
Hall, Luke  
Hammond, rh Mr Philip  
Hammond, Stephen  
Hancock, rh Matthew  
Hands, rh Greg  
Harper, rh Mr Mark  
Harris, Rebecca  
Haselhurst, rh Sir Alan  
Hayes, rh Mr John  
Heapey, James  
Heaton-Jones, Peter  
Herbert, rh Nick  
Hinds, Damian  
Hoare, Simon  
Hollingbery, George  
Hollinrake, Kevin  
Holloway, Mr Adam  
Hopkins, Kris  
Howarth, Sir Gerald  
Howell, John  
Howlett, Ben  
Huddleston, Nigel  
James, Margot  
Javid, rh Sajid  
Jenkyns, Andrea  
Jenrick, Robert  
Johnson, Gareth  
Johnson, Joseph  
Jones, Andrew  
Jones, rh Mr David  
Jones, Mr Marcus  
Kawczynski, Daniel  
Kennedy, Seema  
Kirby, Simon  
Knight, rh Sir Greg  
Knight, Julian  
Kwarteng, Kwasi  
Lancaster, Mark  
Latham, Pauline  
Lee, Dr Phillip  
Lefroy, Jeremy  
Leigh, Sir Edward  
Leslie, Charlotte  
Letwin, rh Mr Oliver  
Lewis, Brandon  
Lilley, rh Mr Peter  
Loughton, Tim  
Lumley, Karen  
Mackinlay, Craig  
Mackintosh, David  
Malthouse, Kit  
Mann, Scott  
Mathias, Dr Tania  
May, rh Mrs Theresa  
Maynard, Paul  
McCartney, Karl  
Menzies, Mark  
Mercer, Johnny  
Merriman, Huw  
Metcalf, Stephen  
Mills, Nigel  
Milton, rh Anne  
Mordaunt, Penny

Morgan, rh Nicky  
Morris, Anne Marie  
Morris, David  
Morris, James  
Morton, Wendy  
Mowat, David  
Mundell, rh David  
Murray, Mrs Sheryll  
Murrison, Dr Andrew  
Neill, Robert  
Newton, Sarah  
Nokes, Caroline  
Norman, Jesse  
Parish, Neil  
Patel, rh Priti  
Paterson, rh Mr Owen  
Pawsey, Mark  
Perry, Claire  
Philp, Chris  
Poulter, Dr Daniel  
Pow, Rebecca  
Prentis, Victoria  
Prisk, Mr Mark  
Purglove, Tom  
Quin, Jeremy  
Quince, Will  
Raab, Mr Dominic  
Rees-Mogg, Mr Jacob  
Robertson, Mr Laurence  
Robinson, Mary  
Rudd, rh Amber  
Rutley, David  
Scully, Paul  
Selous, Andrew  
Shapps, rh Grant  
Sharma, Alok  
Simpson, rh Mr Keith  
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, Iain  
Streeter, Mr Gary  
Stride, Mel  
Stuart, Graham  
Sturdy, Julian  
Sunak, Rishi  
Swayne, rh Mr Desmond  
Swire, rh Mr Hugo  
Thomas, Derek  
Throup, Maggie  
Timpson, Edward  
Tolhurst, Kelly  
Tomlinson, Justin  
Tomlinson, Michael  
Tracey, Craig  
Tugendhat, Tom  
Tyrie, rh Mr Andrew  
Vaizey, Mr Edward  
Vara, Mr Shailesh  
Vickers, Martin  
Villiers, rh Mrs Theresa  
Walker, Mr Robin  
Warburton, David  
Warman, Matt  
Watkinson, Dame Angela  
Wharton, James  
Whately, Helen  
White, Chris  
Whittaker, Craig  
Wiggin, Bill  
Williams, Craig  
Williamson, rh Gavin  
Wilson, Mr Rob  
Wollaston, Dr Sarah  
Wood, Mike  
Wragg, William  
Zahawi, Nadhim

**Tellers for the Ayes:**  
**Guy Opperman and**  
**Jackie Doyle-Price**

#### NOES

Abrahams, Debbie  
Ali, Rushanara  
Anderson, Mr David  
Ashworth, Jonathan  
Baker, Mr Steve  
Barron, rh Kevin  
Beckett, rh Margaret  
Benn, rh Hilary  
Berger, Luciana  
Blackford, Ian  
Blackman, Kirsty  
Blackman-Woods, Dr Roberta  
Blenkinsop, Tom  
Bone, Mr Peter  
Boswell, Philip  
Brennan, Kevin  
Brock, Deidre  
Brown, Alan  
Brown, Lyn  
Buck, Ms Karen  
Burden, Richard  
Burgon, Richard  
Butler, Dawn  
Cadbury, Ruth  
Campbell, rh Mr Alan  
Cash, Sir William  
Chapman, Douglas  
Coaker, Vernon  
Cooper, rh Yvette  
Cowan, Ronnie  
Cox, Jo  
Coyle, Neil  
Crausby, Mr David  
Creagh, Mary  
Creasy, Stella  
Cryer, John  
Cummins, Judith  
Cunningham, Alex  
Cunningham, Mr Jim  
Dakin, Nic  
De Piero, Gloria  
Dodds, rh Mr Nigel  
Doughty, Stephen  
Dowd, Jim  
Dowd, Peter  
Dromey, Jack  
Eagle, Maria  
Evans, Chris

Fellows, Marion  
 Ferrier, Margaret  
 Fitzpatrick, Jim  
 Fletcher, Colleen  
 Flint, rh Caroline  
 Flynn, Paul  
 Foxcroft, Vicky  
 Gapes, Mike  
 Gardiner, Barry  
 Gethins, Stephen  
 Gibson, Patricia  
 Glass, Pat  
 Goodman, Helen  
 Grady, Patrick  
 Grant, Peter  
 Green, Kate  
 Greenwood, Lilian  
 Griffith, Nia  
 Hamilton, Fabian  
 Harris, Carolyn  
 Hayes, Helen  
 Hendry, Drew  
 Hepburn, Mr Stephen  
 Hollern, Kate  
 Hollobone, Mr Philip  
 Hopkins, Kelvin  
 Howarth, rh Mr George  
 Hunt, Tristram  
 Huq, Dr Rupa  
 Hussain, Imran  
 Jackson, Mr Stewart  
 Jarvis, Dan  
 Jones, Gerald  
 Jones, Mr Kevan  
 Jones, Susan Elan  
 Kaufman, rh Sir Gerald  
 Kerevan, George  
 Kerr, Calum  
 Kinnock, Stephen  
 Kyle, Peter  
 Lavery, Ian  
 Law, Chris  
 Leslie, Chris  
 Lewell-Buck, Mrs Emma  
 Lewis, Clive  
 Lewis, rh Dr Julian  
 Long Bailey, Rebecca  
 MacNeil, Mr Angus Brendan  
 Madders, Justin  
 Mahmood, Shabana  
 Malhotra, Seema  
 Marris, Rob  
 Marsden, Mr Gordon  
 Maskell, Rachael  
 Matheson, Christian  
 McCaig, Callum  
 McDonald, Andy  
 McDonald, Stuart C.  
 McDonnell, Dr Alasdair  
 McFadden, rh Mr Pat  
 McGarry, Natalie  
 McGovern, Alison  
 Mearns, Ian  
 Monaghan, Dr Paul  
 Moon, Mrs Madeleine  
 Morden, Jessica  
 Morris, Grahame M.  
 Mullin, Roger

Murray, Ian  
 Newlands, Gavin  
 Nicolson, John  
 Nuttall, Mr David  
 Onn, Melanie  
 Onwurah, Chi  
 Osamor, Kate  
 Oswald, Kirsten  
 Owen, Albert  
 Paterson, Steven  
 Pearce, Teresa  
 Pennycook, Matthew  
 Phillips, Jess  
 Qureshi, Yasmin  
 Rayner, Angela  
 Reed, Mr Steve  
 Rees, Christina  
 Reeves, Rachel  
 Reynolds, Emma  
 Reynolds, Jonathan  
 Rimmer, Marie  
 Ritchie, Ms Margaret  
 Robertson, rh Angus  
 Robinson, Mr Geoffrey  
 Saville Roberts, Liz  
 Shannon, Jim  
 Sharma, Mr Virendra  
 Sheppard, Tommy  
 Sherriff, Paula  
 Siddiq, Tulip  
 Slaughter, Andy  
 Smeeth, Ruth  
 Smith, rh Mr Andrew  
 Smith, Angela  
 Smith, Cat  
 Smyth, Karin  
 Spellar, rh Mr John  
 Starmer, Keir  
 Stephens, Chris  
 Stevens, Jo  
 Streeting, Wes  
 Tami, Mark  
 Thewliss, Alison  
 Thomas-Symonds, Nick  
 Thomson, Michelle  
 Timms, rh Stephen  
 Trickett, Jon  
 Turley, Anna  
 Twigg, Derek  
 Twigg, Stephen  
 Umunna, Mr Chuka  
 Vaz, rh Keith  
 Vaz, Valerie  
 Weir, Mike  
 West, Catherine  
 Whiteford, Dr Eilidh  
 Whitehead, Dr Alan  
 Williams, Hywel  
 Wilson, Phil  
 Winnick, Mr David  
 Winterton, rh Dame Rosie  
 Wishart, Pete  
 Wright, Mr Iain  
 Zeichner, Daniel

**Tellers for the Noes:**  
**Sue Hayman and**  
**Jeff Smith**

That this House approves, for the purposes of Section 5 of the European Communities (Amendment) Act 1993, the Government's assessment as set out in the Budget Report and Autumn Statement, combined with the Office for Budget Responsibility's Economic and Fiscal Outlook and Fiscal Sustainability Report, which forms the basis of the United Kingdom's Convergence Programme.

### ROYAL ASSENT

**Mr Deputy Speaker (Mr Lindsay Hoyle):** I have to notify the House, in accordance with the Royal Assent Act 1967, that the Queen has signified her Royal Assent to the following Acts:

Riot Compensation Act 2016

Access to Medical Treatments (Innovation) Act 2016

NHS (Charitable Trusts Etc) Act 2016

Scotland Act 2016.

### OPPOSITION PARTIES (FINANCIAL ASSISTANCE)

*Ordered,*

That, in the opinion of this House, the following provisions shall apply in respect of financial assistance to opposition parties:

1. The Resolution of 26 May 1999 relating to financial assistance for opposition parties, as codified and modified by the House of Commons Members Estimate Committee pursuant to Standing Order No. 152D(3) (as set out in section 2 of Annex 2 of that Committee's report to the House of March 2015 (HC 1132)), is amended as follows with effect from the beginning of 1 April 2016—

(1) In paragraph 2.2, after sub-paragraph (b) insert—

“This is subject to paragraphs 2.5A to 2.5C in the case of parties with no more than five Members of the House.”

(2) In paragraph 2.3—

(a) for “£16,956” substitute “£16,938”, and

(b) for “£33.86” substitute “£33.83”.

(3) In paragraph 2.4, for “the Retail Prices Index” (in both places) substitute “the Consumer Prices Index”.

(4) In paragraph 2.5, for “this provision” substitute “the provision set out at paragraph 2.1 above”.

(5) After paragraph 2.5 insert—

“2.5A Paragraphs 2.5B and 2.5C apply in the case of an opposition party where there are no more than five Members of the House who—

(a) are members of the party, and

(b) were elected at the previous General Election after contesting it as candidates for the party.

2.5B If the amount found under paragraph 2.2 above exceeds the amount corresponding to 150% of the relevant IPSA staffing budget for the period (“the maximum amount”), the amount of financial assistance given to the party under paragraph 2.1 in relation to that period must not exceed the maximum amount.

2.5C If the amount found under paragraph 2.2 above is less than the amount corresponding to 50% of the relevant IPSA staffing budget for the period (“the minimum amount”), the amount of financial assistance which may be given to the party under paragraph 2.1 above in respect of the expenses incurred by the party in that period shall instead be the minimum amount.

2.5D For the purposes of paragraphs 2.5B and 2.5C, “the relevant IPSA staffing budget” for a period is the standard annual staffing expenditure budget provided in relation to the period for a non-London area Member by the Independent Parliamentary Standards Authority.”

*Question accordingly agreed to.*

*Resolved,*

- (6) In paragraph 2.9—  
 (a) for “2015” substitute “2016”, and  
 (b) for “£186,269” substitute “£186,073”.
- (7) In paragraph 2.10—  
 (a) for “2015” substitute “2016”, and  
 (b) for “£789,979” substitute “£789,146”.
- (8) In paragraph 2.11, for “paragraph 2.1” substitute “paragraph 2.10”.
- (9) For paragraph 2.13 and 2.14 substitute—  
 “2.13 As soon as practicable, but no later than two months after 31 March each year, a party claiming financial assistance under the provisions set out at paragraphs 2.1 to 2.11 above shall—  
 (a) furnish the Accounting Officer of the House with the certificate of an independent professional auditor, in a form determined by the Accounting Officer, to the effect that all expenses in respect of which the party received financial assistance during the period ending with that day were incurred exclusively in relation to the party’s parliamentary business, and  
 (b) publish accounts in relation to all such expenses, audited by an independent professional auditor, in a form determined by the House of Commons Members Estimate Committee and in accordance with any requirements imposed by that Committee.
- 2.13A The requirements that may be imposed under paragraph 2.13(b) are such requirements as the Committee considers necessary or expedient for the purpose of enabling proper scrutiny of expenses in respect of which the party has received financial assistance under paragraph 2.1, 2.6 or 2.10 above, which may in particular include requirements for the audited accounts—  
 (a) to contain details of such expenses during the period to which the report relates (“the reporting period”),  
 (b) in the case of the Official Opposition—  
 (i) to state the total remuneration (including benefits in kind) paid in respect of persons employed, or otherwise engaged, to assist the party (“relevant persons”) during the reporting period,  
 (ii) to state each relevant person’s pay band, by reference to the pay bands specified by the Committee,  
 (iii) if a relevant person is appointed to assist a particular Member, to identify that Member, and  
 (iv) to identify each relevant person whose remuneration exceeds an amount specified by the Committee and to state the amount of that remuneration, and  
 (c) in the case of any other opposition party, to identify the number of persons employed, or otherwise engaged, to assist the party during the reporting period who are within each of the pay bands specified by the Committee.
- 2.14 If the requirements imposed by paragraph 2.13 above have not been complied with within the time specified, no further financial assistance under the provisions set out at paragraphs 2.1 to 2.11 above shall be paid until those requirements have been complied with.”
2. (1) The Resolution of 8 February 2006 relating to financial support for representative business (as codified and modified by the House of Commons Members Estimate Committee pursuant to Standing Order No. 152D(3) (as set out in section 2 of Annex 2 of that Committee’s report to the House of March 2015 (HC 1132))) is amended as follows.  
 (2) For paragraphs 2.21 and 2.22 substitute—  
 “2.21 As soon as practicable, but no later than two months after 31 March each year, a party claiming financial assistance under paragraph 2.19 above shall—

- (a) furnish the Accounting Officer of the House with the certificate of an independent professional auditor, in a form determined by the Accounting Officer, to the effect that all expenses in respect of which the party received financial assistance during the period ending with that day were incurred exclusively in accordance with paragraph 2.19 above, and  
 (b) publish accounts in relation to all such expenses, audited by an independent professional auditor, in a form determined by the House of Commons Members Estimate Committee and in accordance with any requirements imposed by that Committee.
- 2.21A The requirements that may be imposed under paragraph 2.21(b) are such requirements as the Committee considers necessary or expedient for the purpose of enabling proper scrutiny of expenses in respect of which the party has received financial assistance, and may in particular include requirements for the audited accounts—  
 (a) to contain details of such expenses during the period to which the report relates, and  
 (b) to identify the number of persons employed, or otherwise engaged, to assist the party during that period who are within each of the pay bands specified by the Committee.
- 2.22 If the requirements imposed by paragraph 2.21 above have not been complied with within the time specified, no further financial assistance under paragraph 2.19 shall be paid until those requirements have been complied with.”
3. (1) The House of Commons Members Estimates Committee shall—  
 (a) consider the provisions of the Resolution of 26 May 1999 in the light of the proposed reduction in the number of Members of this House, and  
 (b) before the end of the next session, report to the House its views on whether any changes ought to be made to that Resolution in respect of any period after the reduction is expected to take effect.
- (2) References in sub-paragraph (1) to the Resolution of 26 May 1999 are to the resolution of that date relating to financial assistance for opposition parties as codified and modified by the House of Commons Members Estimate Committee pursuant to Standing Order No. 152D(3) (as set out in section 2 of Annex 2 of that Committee’s report to the House of March 2015 (HC 1132) and as amended by paragraph 1 of this Resolution).—(*Chris Grayling*.)

## PETITION

### HMRC Closure Walsall

7.38 pm

**Valerie Vaz** (Walsall South) (Lab): This is a petition of the residents of the United Kingdom, who declare that in November 2015 Her Majesty’s Revenue and Customs, the tax and revenue office, announced that the Walsall HMRC site will close in March 2017. This means that HMRC will no longer have a presence in Walsall. With the closure, over 60 permanent jobs will be lost from Walsall. There could be a loss of £1 million in the local economy. This loss will inevitably impact on businesses in the locality. The petitioners therefore request the House of Commons to urge HMRC to reverse the decision to close the Walsall HMRC site and carry out a full public consultation exercise on this closure. A petition in similar terms has been signed by 500 people.

*Following is the full text of the petition:  
 [The petition of residents of the UK,*

*Declares that in November 2015 Her Majesty's Revenue and Customs (HMRC) announced that the Walsall HMRC site will close in March 2017; further that HMRC will no longer have a presence in Walsall; further that this closure will result in over 60 permanent jobs losses in Walsall; further that this could lead to a loss of £1 million in the local economy; further that this loss will inevitably impact on businesses in the locality; and further that a local petition on a similar matter has been signed by 500 individuals.*

*The petitioners therefore request that the House of Commons urges HMRC to reverse the decision to close the Walsall HMRC site and carry out a full public consultation exercise on this closure.*

*And the petitioners remain, etc.]*

[P001682]

## Construction Companies (Fatal Accidents)

*Motion made, and Question proposed, That this House do now adjourn.—(Julian Smith.)*

7.39 pm

**Mr Stephen Hepburn** (Jarrow) (Lab): I am pleased to have secured this debate on an important subject that is all too often ignored. Construction is the most dangerous industry in the UK. Indeed, the recent unplanned collapse and tragedy at Didcot power station highlighted the dangers faced by construction workers on a daily basis. Last year, 35 workers were killed. That is more than in any other industrial sector, but amazingly it was a record low for the construction industry. In recent years, there have been an average of 50 deaths a year in the construction industry—almost one a week. It is our duty to ensure that that level of loss of life does not continue.

To achieve that, we need a Health and Safety Executive that is effective and dedicated to protecting workers, but, sadly, the information that I have uncovered reveals that in the construction industry that is not occurring. Construction is an industry with inherent dangers, but it does not necessarily have to be inherently dangerous. Deaths and accidents largely occur because safety laws are deliberately ignored or flouted. Far too many companies involved in the construction industry are willing to break or bend safety rules to boost profits. In an industry where site organisation is low and there are not enough safety reps—partially as a result of the blacklisting scandal—it is imperative not only that the HSE does an effective job, but that it is seen to be doing its job effectively. Following a construction death, if a company or individual is at fault they must be prosecuted. The HSE's own research found that in 70% of construction deaths, management failure caused or contributed to a worker losing their life.

**Jim Shannon** (Strangford) (DUP): In Northern Ireland we take a proactive approach to this issue, and the Health and Safety Executive for Northern Ireland carries out surprise visits to construction sites to ensure that complacency does not occur. Does the hon. Gentleman agree that if we want to sharpen the construction industry up a bit and make it more effective and accountable, that is a way of doing it?

**Mr Hepburn:** That is also the policy on the mainland, but, as I will reveal, sadly it is not as effective as it used to be.

In 2007-08 the HSE was successful in prosecuting 51% of construction fatal accidents. By 2012-13 that figure had dropped to a mere—and disgraceful—35%. No blame should be placed on the legal system for failing to convict killer bosses. The HSE is successful in achieving a guilty verdict in more than 90% of all prosecution cases—an impressive figure. Put simply, if the HSE is failing to prosecute following construction deaths, and if there are not enough high-profile stories about the fines and penalties imposed on companies that cut corners to boost profits at the expense of a worker's life, an ever greater number of companies will flout safety laws, safe in the knowledge that if a tragedy should occur they are unlikely to be punished. That is certainly not the end of my concerns about the HSE's performance.

**Steven Paterson** (Stirling) (SNP): Is the hon. Gentleman aware of the article in the *Sunday Herald* from 6 March 2016, entitled “Huge drop in construction safety inspections triggers fears for workers”? An academic from Stirling University in my constituency, Professor Andrew Watterson, who is part of the occupation and environmental health research group at the university, said:

“Westminster has savagely cut the budgets of the enforcement agency, the HSE, over many years...HSE increasingly looks and sounds like a toothless tiger—a lot of noise and increasingly little action.”

Does the hon. Gentleman recognise that description?

**Mr Hepburn:** I do recognise that description. It is the work of academics and trade unions that has brought about tonight’s debate. They are bringing these shortcomings to our notice.

There can be few worse experiences for a family than to lose a father, husband or son who has gone to work normally, like we all do, but, unlike the rest of us, has never come home. Even if a prosecution is mounted by the HSE, the agony of the bereaved family does not stop there. The delays between construction accidents occurring, then prosecution and conviction are excruciating. The problem is getting worse, not better. Families are being forced to put their lives on hold for years and years, with no hope of closure until they see those responsible for the death of their loved one brought to justice. Justice delayed is nearly as great a failure as justice denied.

In 2005, the average time between the death of a worker and a prosecution, was over two years. Ten years later, it has increased to two-and-a-half years. I must stress that these are averages, so the worst cases are a lot worse. The HSE has admitted that in 15% of cases prosecution does not even begin for three to four years. Beginning the prosecution, however, is just the beginning of the judicial process. There are many further stages that need to be completed before a conviction is achieved. In 2006-07, the average delay between a fatal accident and a conviction was 985 days. That was bad enough, but the latest figures are so much worse. In 2014-15, the average time between a fatal accident and a conviction in construction was now 1,267 days—or three-and-a-half years. I need to stress again that that figure is just an average. Delays in justice can be a lot longer.

Last week, Falcon Crane Hire was fined £750,000 following the collapse of one of its cranes in Battersea, which led to the deaths of Jonathon Cloke, the crane driver, and Michael Alexa, a member of the public. That accident occurred in September 2006. It took nine-and-a-half years for justice to be done—nine-and-a-half years for the families of the victims of that accident to witness justice. I am sure the House agrees that nine-and-a-half years is far too long.

The Battersea crane accident might be the case with the longest delay, but it is not unique. I can give other examples. There are other ongoing cases where delays are highly significant. In January 2011, in the worst single accident for many years, Daniel Hazelton, Tom Hazelton, Adam Taylor and Peter Johnson were killed in a construction accident in Great Yarmouth. In February this year, over five years after the deaths of these workers, the case was finally referred to the magistrates courts. The eventual conviction of those concerned is still to come.

Given these agonisingly long delays, attention needs to turn to what the HSE’s response has been to the concerns that I and the Union of Construction, Allied Trades and Technicians, of which I am a proud member, have raised—

**Mr Deputy Speaker (Mr Lindsay Hoyle):** Order. If there is a case before the courts, we should not comment on it. We really ought to be aware that we do not want to put the House in the position of seeming to prejudge an individual case.

**Mr Hepburn:** Thank you for that advice, Mr Deputy Speaker.

UCATT and I have raised concerns about the delays in prosecutions and convictions. In response, the HSE says that the delays are due to other bodies and agencies, such as the police, the coroners courts and even the justice system itself, especially if the matter is referred to the Crown Court. In other words, the HSE is saying it is not its fault.

Well, this House and the families of the victims of construction workers deserve to know exactly who is to blame. The one group certainly not to blame is the victims and their families who are being treated in such an abominable manner. It is time for the HSE to stop passing the buck and blaming others. These are straightforward cases where a worker has died. They are not major inquiries into a war, or how the Government covered up their failures following Hillsborough. They should not take this long. These cases are straightforward. If these problems are to be laid at the door of the HSE, we need to know whether they are a result of the 35% real-terms grant cuts the organisation has suffered over the last five years, as was mentioned earlier.

At the start of my contribution, I said how important it was that the HSE had a high profile in order to discourage the breaking of safety laws in construction. There is another area where its performance has been found wanting. A freedom of information request by UCATT has revealed that since 2012-13, as the hon. Member for Strangford (Jim Shannon) mentioned, the number of unannounced inspections made in the construction industry in the UK has declined by 8.7%. This decline occurred at a time when the industry was expanding and the number of sites in operation was increasing, following years of decline owing to the recession and Government cuts.

Within that overall decline were some truly shocking figures: the number of inspections in Scotland has dropped by 55%; in my region of the north-east, the number is down by 28.5%; in the north-west, the figures have declined by nearly a third; and in the south-east, where construction is booming, the number is down by 19%.

**Steven Paterson:** There are numbers that make this even clearer. The hon. Gentleman referred to the 55.7% drop. Some years ago, there were 1,248 inspections, but that has dropped to 552. It just shows how big a swing there has been.

**Mr Hepburn:** I thank the hon. Gentleman for making the statistics more graphic and showing how disgraceful they are.

These inspections are vital. They are the deterrent that keeps the industry honest and observant of safety laws. If companies think they will not be inspected and that there will never be a surprise knock at the door, the HSE loses all its authority in pressurising companies not to break safety laws. Laws will be flouted, workers will be put in danger and tragedies will occur. The House needs to know why the number of inspections is declining in an industry that is growing. Is it due to the cuts to the HSE's budget, which must be affecting front-line services, is it because of the Government's pressure to cut so-called red tape, or is it because the leadership of the HSE does not believe that such inspections are necessary?

I hope that my contribution today underlines just how vital it is that the HSE is given the resources, powers and confidence to do its job effectively. That means making sure that workplaces are safe for workers; that if laws are broken, action is taken quickly to resolve problems; that if a workplace tragedy should occur and if there is guilt, those responsible are punished and their penalties properly publicised; and that the quest for justice does not drag on indefinitely. Only by achieving these aims can the HSE properly play its role in keeping workers safe. I hope the Minister will agree and confirm that action will be taken to ensure that the problems I and others have addressed this evening are resolved.

7.53 pm

**The Parliamentary Under-Secretary of State for Disabled People (Justin Tomlinson):** It is a pleasure to respond to this debate. I congratulate the hon. Member for Jarrow (Mr Hepburn) on securing it and welcome the opportunity to respond to his concerns. I know he is very active in this area, having received several parliamentary questions on it in recent weeks, and that his interest is long standing.

The hon. Gentleman made a powerful speech. He rightly wishes to hold to account duty holders who fail to manage serious risks to their workers in the construction industry—failures that can give rise to indescribable suffering for loved ones. That is a desire we all share on both sides of the House. My thoughts go out to all the families of those tragically killed when working in the construction industry, particularly those recently affected by the catastrophic building collapse at the Didcot power station.

The House will be interested to hear that recovery operations on the debris pile of the collapsed structure at Didcot resumed at the weekend, with the aim of recovering the missing men as quickly as possible while ensuring that no harm comes to the recovery workers. HSE's main role at Didcot is to investigate jointly with Thames Valley police the circumstances of the incident to find out what went so tragically wrong with the demolition process.

I tribute to the hon. Members for Rotherham (Sarah Champion) and for Swansea West (Geraint Davies) and my hon. Friend the Member for Wantage (Mr Vaizey), who have been very active throughout recent weeks making representations on behalf of their constituents. I formally put on record my thanks to all the professionals who have been working tirelessly to try to resolve this as quickly as possible, particularly for the families still waiting for conclusions about their loved ones.

The investigation of workplace fatalities is HSE's top operational priority. Fatal incidents are investigated by HSE to determine the underlying causes; to learn lessons and prevent recurrence; to establish whether there have been breaches of health and safety law; and, if so, to hold those responsible to account through the criminal courts. HSE's enforcement policy statement makes it clear that where a failure to comply with the law has caused death, the expectation is that a prosecution will result.

It is clearly in everyone's interests—especially those of the bereaved—that fatal incident investigations and decisions about any prosecution proceed as quickly as possible; the hon. Member for Jarrow made that point very powerfully in his speech. However, some investigations can be complex, involving painstaking forensic analysis, interviewing large numbers of witnesses and examining the roles and interactions between a number of parties, including workers, contractors, suppliers, architects, designers and clients, some of whom may be based overseas.

**Jim Shannon:** We had an event in the last Parliament that HSE and the industry attended. An issue about equipment being up to the British standard was brought to our attention. Are checks regularly performed on safety equipment such as helmets to ensure it matches the British standard, as we believe it should?

**Justin Tomlinson:** I shall come on to the point about proactive inspections, which the hon. Gentleman raised in an earlier intervention. I shall cover this issue. Checking against standards is an important point to highlight.

Several factors can affect the pace at which fatal accidents are investigated before any prosecution can be brought to court. The police normally assume primacy for the investigation to identify whether serious offences, such as corporate manslaughter, are involved. This can take many months, or in some cases years, during which HSE is unable to initiate proceedings. The police and Crown Prosecution Service might be in charge of the case right through to any court cases.

In the majority of cases, once HSE has primacy, a prosecution cannot start until after the coroner's inquest. This does not always happen quickly and sometimes further evidence emerges at an inquest and HSE has to make further inquiries. Once a defendant has been charged, it can take several months before the case comes to trial, especially if it is defended in the Crown court.

The hon. Member for Jarrow has publicly raised concerns that, on average, it takes nearly three and a half years from the death of a worker to the point at which those responsible are convicted. I questioned that when I became the Minister and had my first briefings. We all agree that we want this period to be as short as possible, and HSE works closely with its partner agencies, the Courts Service and its counterparts in Scotland, to minimise any delays.

HSE has a performance standard for completing investigations of fatal incidents within 12 months of receiving primacy. Currently, more than 80% of prosecution decisions for construction incidents meet this standard, and most take considerably less time. Indeed, half of HSE's decisions to prosecute are made within two years of the date of a fatal construction incident, which

[Justin Tomlinson]

includes any time during which the police had primacy and a coroner's inquest decision was awaited.

HSE has signed the work-related deaths protocol with fellow regulators to ensure that investigations are completed and that any decision to prosecute is made as quickly as possible, taking into account the nature of the case. There is now a new practical guide for investigators, which should ensure that all parties work effectively together and that any prosecution is brought as soon as possible. Other than in exceptional circumstances, it should be no later than three years after the date of the death. To be very clear, HSE recognises the need to maintain pace in all these investigations.

I appreciate how the hon. Member for Jarrow has raised through parliamentary questions the important issues in this area. We need to make it clear, however, that there has been no fall in HSE conviction rates in recent years; conviction rates for those prosecuted for breaking health and safety laws in construction have actually risen in recent years from 92% to 94%. The number of HSE prosecutions being approved following fatal construction accidents is not falling over time and there has been no increase in the time taken to make a decision on prosecution. The average number of days between fatal incidents and prosecution approval over the last five years has reached a relatively settled position. Average figures can be heavily influenced by the fact that a small number of complex investigations take several years to conclude, but the HSE expects the average time for inspection between its taking primacy and a prosecution decision to continue to fall in future years.

In connection with the debate, I have asked the HSE to look again at the way in which such figures are presented, and to consider whether it would be possible to produce median figures so that we could see how long a typical investigation would take. However, we must remember that we would do a real disservice to those who have lost loved ones if we introduced an artificial pressure to speed up investigations at the cost of quality, increasing the risk of prosecution failure through inadequate evidence collection and failing to learn lessons.

The HSE fully recognises the important role that investigation, inspection and enforcement play in securing improvements. However, sustained improvement requires

an integrated strategic approach. That includes ensuring that the legal framework and guidance are flexible and easier for small businesses to understand. I have received positive feedback on that, suggesting that there is much more engagement on their part. It also includes encouraging all players in the industry to play their part, working with industry and others to develop practical solutions, and encouraging industry supply chains to provide help and support for small businesses. That approach has contributed to a very significant reduction in the number of fatal construction incidents over the last 15 years, which is currently less than a third of the rate in 2000-01. I am sure we all welcome the fact that the number of fatal injuries fell from 5.9 per 100,000 workers in 2000-01 to 1.62 per 100,000 in 2014-15.

The hon. Member for Strangford (Jim Shannon) pointed out that the Health and Safety Executive for Northern Ireland makes surprise visits. That happens here as well, and rightly so, because it is vital to keep people on their toes.

Members have given various figures for the number of inspectors in the HSE's construction division, so let me give the House the actual figures. In 2011-12, there were 196. In 2012-13, there were 193. In 2013-14, there were 184. In 2014-15, there were 180. In 2015-16, there were 187, and the HSE is in the process of recruiting more. The position is clearly relatively settled, and numbers are currently growing.

Construction work is, all too often, an unnecessarily high-risk activity. We know that the risks can be properly managed—I do not need to remind the House of the exemplary record that was achieved during the construction of the 2012 Olympic Park—but some duty holders still fail miserably. The HSE will continue to prioritise its investigation work in order to hold the right people to account for those who are harmed by construction work, and to do so as quickly as possible.

If the hon. Member for Jarrow wishes to know more about the HSE's work, I—or HSE officials—would be happy to meet him to discuss the matter further with him, along with representatives of the Union of Construction, Allied Trades and Technicians. I thank him for raising this important issue this evening.

*Question put and agreed to.*

8.3 pm

*House adjourned.*



## Deferred Divisions

### ELECTRICITY

That the draft Renewables Obligation Closure Etc. (Amendment) Order 2016, which was laid before this House on 25 January, be approved.

*The House divided: Ayes 287, Noes 232.*

### Division No. 226]

#### AYES

Adams, Nigel  
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  
Baron, Mr John  
Barwell, Gavin  
Bebb, Guto  
Bellingham, Sir Henry  
Benyon, Richard  
Berry, Jake  
Bingham, Andrew  
Blackman, Bob  
Blunt, Crispin  
Boles, Nick  
Bone, Mr Peter  
Borwick, Victoria  
Bottomley, Sir Peter  
Bradley, Karen  
Brady, Mr Graham  
Brazier, Mr Julian  
Bridgen, Andrew  
Brine, Steve  
Brokenshire, rh James  
Bruce, Fiona  
Buckland, Robert  
Burns, Conor  
Burns, rh Sir Simon  
Burrowes, Mr David  
Burt, rh Alistair  
Cairns, Alun  
Cameron, rh Mr David  
Campbell, Mr Gregory  
Carmichael, Neil  
Cartlidge, James  
Cash, Sir William  
Caulfield, Maria  
Chalk, Alex  
Chishti, Rehman  
Churchill, Jo  
Clark, rh Greg  
Clarke, rh Mr Kenneth  
Cleverly, James  
Clifton-Brown, Geoffrey  
Coffey, Dr Thérèse  
Collins, Damian  
Colville, Oliver  
Costa, Alberto  
Crabb, rh Stephen  
Davies, Byron  
Davies, Chris  
Davies, David T. C.  
Davies, Glyn  
Davies, Dr James

Davies, Mims  
Davies, Philip  
Dinenage, Caroline  
Djanogly, Mr Jonathan  
Dodds, rh Mr Nigel  
Donaldson, rh Mr Jeffrey M.  
Double, Steve  
Dowden, Oliver  
Doyle-Price, Jackie  
Drax, Richard  
Drummond, Mrs Flick  
Duddridge, James  
Duncan, rh Sir Alan  
Ellis, Michael  
Ellison, Jane  
Ellwood, Mr Tobias  
Elphicke, Charlie  
Evans, Graham  
Evennett, rh Mr David  
Fabricant, Michael  
Fallon, rh Michael  
Fernandes, Suella  
Field, rh Mark  
Foster, Kevin  
Francois, rh Mr Mark  
Frazer, Lucy  
Freeman, George  
Freer, Mike  
Fuller, Richard  
Fysh, Marcus  
Gale, Sir Roger  
Garnier, rh Sir Edward  
Garnier, Mark  
Gauke, Mr David  
Gethins, Stephen  
Ghani, Nusrat  
Gibb, Mr Nick  
Gillan, rh Mrs Cheryl  
Glen, John  
Goodwill, Mr Robert  
Gove, rh Michael  
Graham, Richard  
Grant, Mrs Helen  
Grayling, rh Chris  
Green, Chris  
Green, rh Damian  
Greening, rh Justice  
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  
Haselhurst, rh Sir Alan

Hayes, rh Mr John  
Heald, Sir Oliver  
Heapey, James  
Heaton-Harris, Chris  
Henderson, Gordon  
Herbert, rh Nick  
Hinds, Damian  
Hoare, Simon  
Hollingbery, George  
Hollinrake, Kevin  
Hollobone, Mr Philip  
Holloway, Mr Adam  
Hopkins, Kris  
Howell, John  
Howlett, Ben  
Huddleston, Nigel  
James, Margot  
Javid, rh Sajid  
Jayawardena, Mr Ranil  
Jenkin, Mr Bernard  
Jenkyns, Andrea  
Jenrick, Robert  
Johnson, Joseph  
Jones, Andrew  
Jones, rh Mr David  
Jones, Mr Marcus  
Kawczynski, Daniel  
Kennedy, Seema  
Kirby, Simon  
Knight, rh Sir Greg  
Knight, Julian  
Kwarteng, Kwasi  
Lancaster, Mark  
Latham, Pauline  
Lee, Dr Phillip  
Lefroy, Jeremy  
Leigh, Sir Edward  
Leslie, Charlotte  
Letwin, rh Mr Oliver  
Lewis, Brandon  
Lewis, rh Dr Julian  
Lilley, rh Mr Peter  
Loughton, Tim  
Lumley, Karen  
Mackinlay, Craig  
Mackintosh, David  
Main, Mrs Anne  
Malthouse, Kit  
Mann, Scott  
Mathias, Dr Tania  
May, rh Mrs Theresa  
Maynard, Paul  
McCartney, Karl  
McLoughlin, rh Mr Patrick  
Menzies, Mark  
Mercer, Johnny  
Merriman, Huw  
Metcalf, Stephen  
Miller, rh Mrs Maria  
Milling, Amanda  
Mills, Nigel  
Milton, rh Anne  
Mitchell, rh Mr Andrew  
Mordaunt, Penny  
Morgan, rh Nicky  
Morris, Anne Marie  
Morris, David  
Morris, James  
Morton, Wendy  
Mowat, David  
Mundell, rh David  
Murray, Mrs Sheryll

Murrison, Dr Andrew  
Neill, Robert  
Newton, Sarah  
Nokes, Caroline  
Norman, Jesse  
Nuttall, Mr David  
Offord, Dr Matthew  
Opperman, Guy  
Osborne, rh Mr George  
Parish, Neil  
Patel, rh Priti  
Paterson, rh Mr Owen  
Pawsey, Mark  
Penrose, John  
Perry, Claire  
Philp, Chris  
Pickles, rh Sir Eric  
Poulter, Dr Daniel  
Pow, Rebecca  
Prentis, Victoria  
Prisk, Mr Mark  
Pursglove, Tom  
Quin, Jeremy  
Quince, Will  
Raab, Mr Dominic  
Redwood, rh John  
Rees-Mogg, Mr Jacob  
Robertson, Mr Laurence  
Robinson, Gavin  
Robinson, Mary  
Rosindell, Andrew  
Rudd, rh Amber  
Rutley, David  
Scully, Paul  
Selous, Andrew  
Shannon, Jim  
Shapps, rh Grant  
Sharma, Alok  
Simpson, rh Mr Keith  
Smith, Chloe  
Smith, Henry  
Smith, Julian  
Smith, Royston  
Solloway, Amanda  
Soubry, rh Anna  
Spelman, rh Mrs Caroline  
Spencer, Mark  
Stephenson, Andrew  
Stevenson, John  
Stewart, Iain  
Streeter, Mr Gary  
Stride, Mel  
Stuart, Graham  
Sturdy, Julian  
Sunak, Rishi  
Swayne, rh Mr Desmond  
Swire, rh Mr Hugo  
Syms, Mr Robert  
Thomas, Derek  
Throup, Maggie  
Timpson, Edward  
Tolhurst, Kelly  
Tomlinson, Justin  
Tomlinson, Michael  
Tracey, Craig  
Tredinnick, David  
Trevelyan, Mrs Anne-Marie  
Tugendhat, Tom  
Turner, Mr Andrew  
Tyrie, rh Mr Andrew  
Vaizey, Mr Edward  
Vara, Mr Shailesh

Vickers, Martin  
Walker, Mr Charles  
Walker, Mr Robin  
Wallace, Mr Ben  
Warburton, David  
Warman, Matt  
Watkinson, Dame Angela  
Wharton, James  
Whately, Helen  
White, Chris  
Whittaker, Craig

Whittingdale, rh Mr John  
Wiggin, Bill  
Williams, Craig  
Williamson, rh Gavin  
Wilson, Mr Rob  
Wilson, Sammy  
Wollaston, Dr Sarah  
Wood, Mike  
Wragg, William  
Zahawi, Nadhim

Kane, Mike  
Kaufman, rh Sir Gerald  
Kerevan, George  
Kerr, Calum  
Kinahan, Danny  
Kinnock, Stephen  
Kyle, Peter  
Lavery, Ian  
Leslie, Chris  
Lewell-Buck, Mrs Emma  
Long Bailey, Rebecca  
Lucas, Caroline  
Lucas, Ian C.  
MacNeil, Mr Angus Brendan  
Mactaggart, rh Fiona  
Madders, Justin  
Mahmood, Mr Khalid  
Mahmood, Shabana  
Malhotra, Seema  
Mann, John  
Marris, Rob  
Marsden, Mr Gordon  
Maskell, Rachael  
Matheson, Christian  
Mc Nally, John  
McCabe, Steve  
McCaig, Callum  
McCarthy, Kerry  
McDonald, Andy  
McDonald, Stewart Malcolm  
McDonald, Stuart C.  
McDonnell, Dr Alasdair  
McDonnell, John  
McFadden, rh Mr Pat  
McGarry, Natalie  
McGinn, Conor  
McGovern, Alison  
McInnes, Liz  
Meale, Sir Alan  
Mearns, Ian  
Monaghan, Carol  
Monaghan, Dr Paul  
Moon, Mrs Madeleine  
Morden, Jessica  
Morris, Grahame M.  
Mulholland, Greg  
Mullin, Roger  
Murray, Ian  
Newlands, Gavin  
O'Hara, Brendan  
Onn, Melanie  
Onwurah, Chi  
Osamor, Kate  
Oswald, Kirsten  
Owen, Albert  
Paterson, Steven  
Pennycook, Matthew  
Phillips, Jess

Powell, Lucy  
Pugh, John  
Qureshi, Yasmin  
Rayner, Angela  
Reed, Mr Steve  
Rees, Christina  
Reynolds, Jonathan  
Rimmer, Marie  
Ritchie, Ms Margaret  
Rotheram, Steve  
Salmond, rh Alex  
Saville Roberts, Liz  
Sharma, Mr Virendra  
Sheerman, Mr Barry  
Sheppard, Tommy  
Sherriff, Paula  
Shuker, Mr Gavin  
Skinner, Mr Dennis  
Slaughter, Andy  
Smeeth, Ruth  
Smith, rh Mr Andrew  
Smith, Angela  
Smith, Cat  
Smith, Jeff  
Smith, Nick  
Smith, Owen  
Smyth, Karin  
Spellar, rh Mr John  
Stephens, Chris  
Stevens, Jo  
Streeting, Wes  
Stringer, Graham  
Tami, Mark  
Thewliss, Alison  
Thomas-Symonds, Nick  
Thompson, Owen  
Thomson, Michelle  
Thornberry, Emily  
Timms, rh Stephen  
Trickett, Jon  
Turley, Anna  
Turner, Karl  
Twigg, Derek  
Twigg, Stephen  
Umunna, Mr Chuka  
Vaz, rh Keith  
Vaz, Valerie  
Weir, Mike  
West, Catherine  
Whiteford, Dr Eilidh  
Whitehead, Dr Alan  
Wilson, Corri  
Wilson, Phil  
Winterton, rh Dame Rosie  
Wishart, Pete  
Woodcock, John  
Wright, Mr Iain  
Zeichner, Daniel

### NOES

Abbott, Ms Diane  
Abrahams, Debbie  
Ahmed-Sheikh, Ms Tasmina  
Alexander, Heidi  
Ali, Rushanara  
Anderson, Mr David  
Ashworth, Jonathan  
Barron, rh Kevin  
Beckett, rh Margaret  
Benn, rh Hilary  
Berger, Luciana  
Black, Mhairi  
Blackford, Ian  
Blackman-Woods, Dr Roberta  
Blenkinsop, Tom  
Blomfield, Paul  
Boswell, Philip  
Bradshaw, rh Mr Ben  
Brake, rh Tom  
Brennan, Kevin  
Brock, Deidre  
Brown, Alan  
Brown, rh Mr Nicholas  
Burden, Richard  
Burgon, Richard  
Byrne, rh Liam  
Cadbury, Ruth  
Cameron, Dr Lisa  
Campbell, rh Mr Alan  
Campbell, Mr Ronnie  
Carmichael, rh Mr Alistair  
Carswell, Mr Douglas  
Champion, Sarah  
Chapman, Douglas  
Chapman, Jenny  
Cherry, Joanna  
Clegg, rh Mr Nick  
Clwyd, rh Ann  
Coaker, Vernon  
Cooper, Julie  
Cooper, Rosie  
Cooper, rh Yvette  
Corbyn, rh Jeremy  
Cowan, Ronnie  
Cox, Jo  
Coyle, Neil  
Crausby, Mr David  
Creagh, Mary  
Creasy, Stella  
Cruddas, Jon  
Cummins, Judith  
Cunningham, Alex  
Cunningham, Mr Jim  
Dakin, Nic  
Danczuk, Simon  
David, Wayne  
Davies, Geraint  
Day, Martyn

De Piero, Gloria  
Docherty-Hughes, Martin  
Donaldson, Stuart Blair  
Doughty, Stephen  
Dowd, Peter  
Dromey, Jack  
Durkan, Mark  
Eagle, Ms Angela  
Eagle, Maria  
Edwards, Jonathan  
Efford, Clive  
Elliott, Julie  
Elliott, Tom  
Ellman, Mrs Louise  
Evans, Chris  
Farrelly, Paul  
Fellows, Marion  
Ferrier, Margaret  
Field, rh Frank  
Fitzpatrick, Jim  
Fletcher, Colleen  
Flint, rh Caroline  
Flynn, Paul  
Fovargue, Yvonne  
Foxcroft, Vicky  
Gapes, Mike  
Gardiner, Barry  
Gibson, Patricia  
Glass, Pat  
Glindon, Mary  
Grady, Patrick  
Grant, Peter  
Gray, Neil  
Green, Kate  
Greenwood, Lilian  
Greenwood, Margaret  
Griffith, Nia  
Hamilton, Fabian  
Hanson, rh Mr David  
Hayes, Helen  
Hayman, Sue  
Healey, rh John  
Hendry, Drew  
Hepburn, Mr Stephen  
Hermon, Lady  
Hillier, Meg  
Hodge, rh Dame Margaret  
Hodgson, Mrs Sharon  
Hollern, Kate  
Hopkins, Kelvin  
Hunt, Tristram  
Huq, Dr Rupa  
Hussain, Imran  
Jarvis, Dan  
Johnson, rh Alan  
Jones, Gerald  
Jones, Mr Kevan  
Jones, Susan Elan

*Question accordingly agreed to.*

### PUBLIC SERVICE PENSIONS

That the draft Public Service Pensions Revaluation (Prices) Order 2016, which was laid before this House on 1 February, be approved.

*The House divided: Ayes 287, Noes 211.*

### Division No. 227]

### AYES

Adams, Nigel  
Aldous, Peter  
Allan, Lucy  
Allen, Heidi

Amess, Sir David	Ellis, Michael	Jones, Mr Marcus	Quince, Will
Andrew, Stuart	Ellison, Jane	Kawczynski, Daniel	Raab, Mr Dominic
Ansell, Caroline	Ellwood, Mr Tobias	Kennedy, Seema	Redwood, rh John
Argar, Edward	Elphicke, Charlie	Kirby, Simon	Rees-Mogg, Mr Jacob
Atkins, Victoria	Evans, Graham	Knight, rh Sir Greg	Robertson, Mr Laurence
Bacon, Mr Richard	Evennett, rh Mr David	Knight, Julian	Robinson, Gavin
Baker, Mr Steve	Fabricant, Michael	Kwarteng, Kwasi	Robinson, Mary
Baldwin, Harriett	Fallon, rh Michael	Lancaster, Mark	Rosindell, Andrew
Baron, Mr John	Fernandes, Suella	Latham, Pauline	Rudd, rh Amber
Barwell, Gavin	Field, rh Mark	Lee, Dr Phillip	Rutley, David
Bebb, Guto	Foster, Kevin	Lefroy, Jeremy	Scully, Paul
Bellingham, Sir Henry	Francois, rh Mr Mark	Leigh, Sir Edward	Selous, Andrew
Benyon, Richard	Frazer, Lucy	Leslie, Charlotte	Shannon, Jim
Berry, Jake	Freeman, George	Letwin, rh Mr Oliver	Shapps, rh Grant
Bingham, Andrew	Freer, Mike	Lewis, Brandon	Sharma, Alok
Blackman, Bob	Fuller, Richard	Lewis, rh Dr Julian	Simpson, rh Mr Keith
Blunt, Crispin	Fysh, Marcus	Lilley, rh Mr Peter	Smith, Chloe
Boles, Nick	Gale, Sir Roger	Loughton, Tim	Smith, Henry
Bone, Mr Peter	Garnier, rh Sir Edward	Lumley, Karen	Smith, Julian
Borwick, Victoria	Garnier, Mark	Mackinlay, Craig	Smith, Royston
Bottomley, Sir Peter	Gauke, Mr David	Mackintosh, David	Solloway, Amanda
Bradley, Karen	Ghani, Nusrat	Main, Mrs Anne	Soubry, rh Anna
Brady, Mr Graham	Gibb, Mr Nick	Malthouse, Kit	Spelman, rh Mrs Caroline
Brazier, Mr Julian	Gillan, rh Mrs Cheryl	Mann, Scott	Spencer, Mark
Bridgen, Andrew	Glen, John	Mathias, Dr Tania	Stephenson, Andrew
Brine, Steve	Goodwill, Mr Robert	May, rh Mrs Theresa	Stevenson, John
Brokenshire, rh James	Gove, rh Michael	Maynard, Paul	Stewart, Iain
Bruce, Fiona	Graham, Richard	McCartney, Jason	Streeter, Mr Gary
Buckland, Robert	Grant, Mrs Helen	McCartney, Karl	Stride, Mel
Burns, Conor	Grayling, rh Chris	McLoughlin, rh Mr Patrick	Stuart, Graham
Burns, rh Sir Simon	Green, Chris	Menzies, Mark	Sturdy, Julian
Burrowes, Mr David	Green, rh Damian	Mercer, Johnny	Sunak, Rishi
Burt, rh Alistair	Greening, rh Justine	Merriman, Huw	Swayne, rh Mr Desmond
Cairns, Alun	Grieve, rh Mr Dominic	Metcalfe, Stephen	Swire, rh Mr Hugo
Cameron, rh Mr David	Griffiths, Andrew	Miller, rh Mrs Maria	Syms, Mr Robert
Campbell, Mr Gregory	Gummer, Ben	Milling, Amanda	Thomas, Derek
Carmichael, Neil	Gyimah, Mr Sam	Mills, Nigel	Throup, Maggie
Cartledge, James	Halfon, rh Robert	Milton, rh Anne	Timpson, Edward
Cash, Sir William	Hall, Luke	Mitchell, rh Mr Andrew	Tolhurst, Kelly
Caulfield, Maria	Hammond, rh Mr Philip	Mordaunt, Penny	Tomlinson, Justin
Chalk, Alex	Hammond, Stephen	Morgan, rh Nicky	Tomlinson, Michael
Chishti, Rehman	Hancock, rh Matthew	Morris, Anne Marie	Tracey, Craig
Churchill, Jo	Hands, rh Greg	Morris, David	Tredinnick, David
Clark, rh Greg	Harper, rh Mr Mark	Morris, James	Trevelyan, Mrs Anne-Marie
Clarke, rh Mr Kenneth	Harrington, Richard	Morton, Wendy	Tugendhat, Tom
Cleverly, James	Harris, Rebecca	Mowat, David	Turner, Mr Andrew
Clifton-Brown, Geoffrey	Haselhurst, rh Sir Alan	Mundell, rh David	Tyrie, rh Mr Andrew
Coffey, Dr Thérèse	Hayes, rh Mr John	Murray, Mrs Sheryll	Vaizey, Mr Edward
Collins, Damian	Heald, Sir Oliver	Murrison, Dr Andrew	Vara, Mr Shailesh
Colville, Oliver	Heapey, James	Neill, Robert	Vickers, Martin
Costa, Alberto	Heaton-Harris, Chris	Newton, Sarah	Walker, Mr Charles
Crabb, rh Stephen	Henderson, Gordon	Nokes, Caroline	Walker, Mr Robin
Davies, Byron	Herbert, rh Nick	Norman, Jesse	Wallace, Mr Ben
Davies, Chris	Hinds, Damian	Nuttall, Mr David	Warburton, David
Davies, David T. C.	Hoare, Simon	Offord, Dr Matthew	Warman, Matt
Davies, Glyn	Hollingbery, George	Opperman, Guy	Watkinson, Dame Angela
Davies, Dr James	Hollinrake, Kevin	Osborne, rh Mr George	Wharton, James
Davies, Mims	Hollobone, Mr Philip	Parish, Neil	Whately, Helen
Davies, Philip	Holloway, Mr Adam	Patel, rh Priti	White, Chris
Dinenage, Caroline	Hopkins, Kris	Paterson, rh Mr Owen	Whittaker, Craig
Djanogly, Mr Jonathan	Howell, John	Pawsey, Mark	Whittingdale, rh Mr John
Dodds, rh Mr Nigel	Howlett, Ben	Penrose, John	Wiggin, Bill
Donaldson, rh Mr Jeffrey M.	Huddleston, Nigel	Perry, Claire	Williams, Craig
Double, Steve	James, Margot	Philp, Chris	Williamson, rh Gavin
Dowden, Oliver	Javid, rh Sajid	Pickles, rh Sir Eric	Wilson, Mr Rob
Doyle-Price, Jackie	Jayawardena, Mr Ranil	Poulter, Dr Daniel	Wilson, Sammy
Drax, Richard	Jenkin, Mr Bernard	Pow, Rebecca	Wollaston, Dr Sarah
Drummond, Mrs Flick	Jenkyns, Andrea	Prentis, Victoria	Wood, Mike
Duddridge, James	Jenrick, Robert	Prisk, Mr Mark	Wragg, William
Duncan, rh Sir Alan	Johnson, Joseph	Pursglove, Tom	Zahawi, Nadhim
	Jones, Andrew	Quin, Jeremy	
	Jones, rh Mr David		

## NOES

Abbott, Ms Diane  
 Abrahams, Debbie  
 Ahmed-Sheikh, Ms Tasmina  
 Alexander, Heidi  
 Ali, Rushanara  
 Anderson, Mr David  
 Ashworth, Jonathan  
 Barron, rh Kevin  
 Beckett, rh Margaret  
 Benn, rh Hilary  
 Berger, Luciana  
 Blackford, Ian  
 Blackman-Woods, Dr Roberta  
 Blenkinsop, Tom  
 Blomfield, Paul  
 Boswell, Philip  
 Bradshaw, rh Mr Ben  
 Brake, rh Tom  
 Brennan, Kevin  
 Brock, Deidre  
 Brown, Alan  
 Brown, rh Mr Nicholas  
 Burden, Richard  
 Burgon, Richard  
 Byrne, rh Liam  
 Cadbury, Ruth  
 Cameron, Dr Lisa  
 Campbell, rh Mr Alan  
 Campbell, Mr Ronnie  
 Carswell, Mr Douglas  
 Champion, Sarah  
 Chapman, Douglas  
 Chapman, Jenny  
 Clegg, rh Mr Nick  
 Clwyd, rh Ann  
 Coaker, Vernon  
 Cooper, Julie  
 Cooper, Rosie  
 Cooper, rh Yvette  
 Corbyn, rh Jeremy  
 Cox, Jo  
 Coyle, Neil  
 Crausby, Mr David  
 Creagh, Mary  
 Creasy, Stella  
 Cruddas, Jon  
 Cummins, Judith  
 Cunningham, Alex  
 Cunningham, Mr Jim  
 Dakin, Nic  
 Danczuk, Simon  
 David, Wayne  
 Davies, Geraint  
 De Piero, Gloria

Docherty-Hughes, Martin  
 Donaldson, Stuart Blair  
 Doughty, Stephen  
 Dowd, Peter  
 Dromey, Jack  
 Durkan, Mark  
 Eagle, Ms Angela  
 Eagle, Maria  
 Edwards, Jonathan  
 Efford, Clive  
 Elliott, Julie  
 Elliott, Tom  
 Ellman, Mrs Louise  
 Evans, Chris  
 Farrelly, Paul  
 Fellows, Marion  
 Ferrier, Margaret  
 Field, rh Frank  
 Fitzpatrick, Jim  
 Fletcher, Colleen  
 Flint, rh Caroline  
 Flynn, Paul  
 Fovargue, Yvonne  
 Foxcroft, Vicky  
 Gapes, Mike  
 Gardiner, Barry  
 Gibson, Patricia  
 Glass, Pat  
 Glindon, Mary  
 Grady, Patrick  
 Grant, Peter  
 Gray, Neil  
 Green, Kate  
 Greenwood, Lilian  
 Greenwood, Margaret  
 Griffith, Nia  
 Hamilton, Fabian  
 Hanson, rh Mr David  
 Hayes, Helen  
 Hayman, Sue  
 Healey, rh John  
 Hendry, Drew  
 Hepburn, Mr Stephen  
 Hermon, Lady  
 Hillier, Meg  
 Hodge, rh Dame Margaret  
 Hodgson, Mrs Sharon  
 Hollern, Kate  
 Hopkins, Kelvin  
 Hunt, Tristram  
 Huq, Dr Rupa  
 Hussain, Imran  
 Jarvis, Dan  
 Johnson, rh Alan

Jones, Gerald  
 Jones, Mr Kevan  
 Jones, Susan Elan  
 Kane, Mike  
 Kaufman, rh Sir Gerald  
 Kinahan, Danny  
 Kinnock, Stephen  
 Kyle, Peter  
 Lavery, Ian  
 Leslie, Chris  
 Lewell-Buck, Mrs Emma  
 Long Bailey, Rebecca  
 Lucas, Caroline  
 Lucas, Ian C.  
 MacNeil, Mr Angus Brendan  
 Mactaggart, rh Fiona  
 Madders, Justin  
 Mahmood, Mr Khalid  
 Mahmood, Shabana  
 Malhotra, Seema  
 Mann, John  
 Marris, Rob  
 Marsden, Mr Gordon  
 Maskell, Rachael  
 Matheson, Christian  
 McCabe, Steve  
 McCaig, Callum  
 McCarthy, Kerry  
 McDonald, Andy  
 McDonnell, Dr Alasdair  
 McDonnell, John  
 McFadden, rh Mr Pat  
 McGinn, Conor  
 McGovern, Alison  
 McInnes, Liz  
 Meale, Sir Alan  
 Mearns, Ian  
 Monaghan, Carol  
 Moon, Mrs Madeleine  
 Morden, Jessica  
 Morris, Grahame M.  
 Mullin, Roger  
 Murray, Ian  
 Newlands, Gavin  
 Onn, Melanie  
 Onwurah, Chi  
 Osamor, Kate  
 Oswald, Kirsten  
 Owen, Albert  
 Pennycook, Matthew  
 Phillips, Jess  
 Powell, Lucy

Qureshi, Yasmin  
 Rayner, Angela  
 Reed, Mr Steve  
 Rees, Christina  
 Reynolds, Jonathan  
 Rimmer, Marie  
 Ritchie, Ms Margaret  
 Rotheram, Steve  
 Salmond, rh Alex  
 Saville Roberts, Liz  
 Sharma, Mr Virendra  
 Sheerman, Mr Barry  
 Sherriff, Paula  
 Shuker, Mr Gavin  
 Skinner, Mr Dennis  
 Slaughter, Andy  
 Smeeth, Ruth  
 Smith, rh Mr Andrew  
 Smith, Angela  
 Smith, Cat  
 Smith, Jeff  
 Smith, Nick  
 Smith, Owen  
 Smyth, Karin  
 Spellar, rh Mr John  
 Stephens, Chris  
 Stevens, Jo  
 Streeting, Wes  
 Stringer, Graham  
 Tami, Mark  
 Thewliss, Alison  
 Thomas-Symonds, Nick  
 Thomson, Michelle  
 Thornberry, Emily  
 Timms, rh Stephen  
 Trickett, Jon  
 Turley, Anna  
 Turner, Karl  
 Twigg, Derek  
 Twigg, Stephen  
 Umunna, Mr Chuka  
 Vaz, rh Keith  
 Vaz, Valerie  
 Weir, Mike  
 West, Catherine  
 Whitehead, Dr Alan  
 Wilson, Phil  
 Winterton, rh Dame Rosie  
 Woodcock, John  
 Wright, Mr Iain  
 Zeichner, Daniel

*Question accordingly agreed to.*

# Westminster Hall

*Wednesday 23 March 2016*

[ALBERT OWEN *in the Chair*]

## Burma

9.30 am

**Paul Scully** (Sutton and Cheam) (Con): I beg to move,

That this House has considered the political situation in Burma.

It is a privilege and an honour to serve under your chairmanship once again, Mr Owen.

Burma is a nation at a crossroads. It faces huge challenges, but there are many reasons to be optimistic. Recently, I was fortunate to go on a visit with Benedict Rogers from Christian Solidarity Worldwide. He is a fount of knowledge on Burma. As well as being a fantastic advocate for human rights and religious tolerance, Christian Solidarity Worldwide is an amazing source of information on that and other parts of the world.

I have a personal interest in Burma, because my father was born there. My grandfather was born in Mandalay. During world war two he served on the docks and took part in the scuttling so that the Japanese could not get in and use the docks or anything there. When I visited, I found out that when my father was a schoolboy aged 13, he was walking past the Secretariat on the day that General Aung San was assassinated. Imagine a 13-year-old boy seeing the chaos in the aftermath of that and not knowing quite what a pivotal moment that was in the country's history.

In 1962, during the coup, my aunt was a tutor at Rangoon University when the student union was blown up, and she lost many of her friends and colleagues that day. She also lost her job. For the next two years she had to work unpaid at the generals' behest, doing whatever they wanted, including going up and down the streets chanting to pretend that the generals had far more support than they actually did.

It was therefore an absolute privilege and honour for me to create another tiny chapter of my family's history in 2016, at another pivotal moment in the country's history. Following the 2015 elections, the Government are transitioning to what we hope will be a far more open, fairer and freer democracy. The visit was more than just a personal episode of "Who Do You Think You Are?"; thanks to Ben, I was able to criss-cross the country and meet a number of people to talk about religious tolerance, human rights and ethnic conflicts. I also met a number of national and regional MPs.

I joined an international delegation in Naypyidaw, which included my hon. Friend the Member for Norwich North (Chloe Smith), who is in her place, and the hon. Member for Penistone and Stocksbridge (Angela Smith) and the right hon. Member for Enfield North (Joan Ryan), both of whom I know wanted to participate in the debate. Unfortunately, they have events elsewhere. The international delegation helped to train the new Burmese MPs, and one thing that was uncovered was that the first basic risk for the future is the capacity of the newly elected politicians. They have worked so hard and given up so much to be elected, but they need

knowledge and direction to be effective at drafting and scrutinising legislation and to be able to challenge Ministers while still dealing with their constituency work to the best of their ability. We take that for granted here. When I was elected, I had support from experienced Clerks, staff, Doorkeepers and colleagues. I stepped into a mature system with people who could guide me smoothly on the way. The system in Burma was previously run by a military junta, so that barely exists in Naypyidaw. The opportunity to scrutinise is very new.

Mr Speaker has also been to Burma with Ben Rogers, and is a former chairman of the all-party group on democracy in Burma. He has already provided a lot of support and has promised more. Experienced British parliamentary Clerks are seconded over there, sharing our knowledge, and that is fantastic. Delegations of Burmese Clerks have visited here, too. Most people, when they look at my campaign to get to this place after two and a half years and a hard-fought election, say, "Paul, you worked very hard", but I basically did a lot of simple things many times over a couple of years. I look at the Burmese MPs in awe. They have given up so much. My old sales manager used to liken commitment to an English breakfast. He said that the chicken that gave the egg was mildly interested, but the pig that gave the bacon was totally committed. What the Burmese MPs have given up is remarkable. They are eager and chomping at the bit, but it is important for them to focus. There is a huge weight of expectation, and that needs managing in the parliamentary and party structures.

Most Burmese people are tolerant, understanding and determined, but they know that they cannot change things overnight. With vision, determination and a framework, however, things can change. Aung San Suu Kyi is an incredible woman, but she cannot do everything on her own, and that is why the framework will be important. We need to enable MPs to find the right balance between their work for their country in getting the rule of law, legislation and changes in place, and their constituency work and family life. That is very difficult given the situation in Naypyidaw. The extraordinary parliamentary building that Members might have seen on the internet or television is something to behold. Even Ceausescu would be amazed by the extent of the building. Frankly, it is big enough to give MPs a desk and somewhere to do their constituency work. Not all the changes need a lot of money, which obviously Burma does not have a lot of at the moment.

The election observers I met while I was over there saw a number of cases of fraud, intimidation and threats of violence, so it was not a perfect election by any stretch of the imagination, but it was as good as could be expected, and I do not think anyone can be in doubt that it got the result that the vast majority of the country wanted to see. In that regard, it was a good result, and it was as free and as fair an election as we could expect. Will the Minister tell us what more parliamentarians and the Government can do to support politicians in Burma—we are obviously not going to be telling them what to do or how to run their country—as they transition to parliamentary democracy, which we take for granted in this country?

Members will have seen that the military has been undertaking considerable negotiations with Daw Suu on the presidency and the constitution. U Htin Kyaw, a close ally of Daw Suu, has now been appointed as

[Paul Scully]

President, which is to be welcomed, but the approval of the military's choice for vice-president, Myint Swe, is difficult for many to swallow. He is a hard-liner. He was the military commander who supervised the crackdown on the saffron revolution in 2007, and he was a close confidant of Than Shwe. Ironically, Myint Swe's son-in-law held Australian citizenship, which prevented him from taking up the vice-presidency in 2012 under the same rules that prevented Daw Suu from taking up the presidency, but the son-in-law has reportedly now renounced his citizenship. As first Vice-President, Myint Swe has a seat on the 11-member National Defence and Security Council and would serve as acting President should the presidency fall vacant for any reason. Although the transition is looking optimistic and there are many reasons to look forward to what is to come, threats and situations may arise that could bring Burma back to terrible dark times, as has happened in the past. We must err on the side of caution.

When visiting places outside of Naypyidaw, we have to look at what is going on with religious tolerance and ethnic conflict. I met a number of Muslim leaders and campaigners, including Khin Maung Myint, Wai Wai Nu and Al-Haj U Aye Lwin. The first two are Rohingya representatives. Wai Wai Nu is a phenomenally articulate 29-year-old. Her father was previously an MP, but he was not able to stand this time around because he no longer was a citizen of Burma due to the citizenship rules. Like many people I met, and despite being only 29, Wai Wai Nu had already served seven years in prison with her family, pretty well just because she was the daughter of a former MP and an activist. The people I met, albeit that they were a self-selecting community because of the human rights and religious tolerance aspect of my visit, had all been to prison, some for 14 years or 18 years. That was not extraordinary for the people I met, although those people were themselves extraordinary.

Wai Wai Nu told me that the Government's policy towards the Rohingya in the past had led to hatred and discrimination among the community as a whole. However, despite the severity of the situation, more Burmese people are becoming more open, and misunderstandings about the Rohingya can and must be addressed. She considered that the 1982 citizenship law would need to be revised to amend the indigenous and national races list, or to grant citizenship to those whose parents were citizens before 1982.

For the internally displaced people in the area, especially women, the major problem is healthcare. They are not allowed to go to hospital freely; they need permission and have to pay bribes. Often, even when they are in hospital, they are treated inhumanely.

The source of much of the religious tension has been Ma Ba Tha, a politicised militant nationalist group of Buddhist monks who were supported by the previous Government. We hope that it will wither on the vine now that Daw Suu is in charge. One of the leaders, U Wirathu, a radical monk, has released a new trailer for an anti-Muslim video, and has promised to release the full video. There is a suggestion that the new chairman of Ma Ba Tha, Insein Sayadaw, may be more flexible, because he is a former political prisoner with a good understanding of politics.

However, we need to continue to hear the voices not only of the moderates but of people such as Cardinal Bo, Bishop Philip in Lashio and the Venerable Badata Seindita, also known by the extraordinary name of Asia Light, who is a Buddhist monk from Pyin Oo Lwin. He speaks out vociferously about the true meaning of Buddhism. Whenever I hear the words "militant Buddhism", or "nationalist Buddhism", I think that the words simply do not go together. The Burmese people are generally the most peaceful, tolerant, placid people, albeit very determined. They exude all the qualities that we would expect from a mainly Buddhist population, so it is extraordinary to see the extremes to which Ma Ba Tha will go to divide the population.

Christians have not been exempted from religious intolerance, either. They have not been allowed to build churches in certain areas, and they have been told that they cannot even worship in their own homes in certain situations.

I went to Lashio in northern Shan state to see the ethnic conflict. I think I am the first MP to have been up there. There are worrying developments in Kachin state, where drugs are rife. It is believed that a huge percentage of young people in northern Shan are addicted to drugs, as part of a deliberate policy by the military. Human trafficking into China is common, with little action taken. I met representatives from the Ta'ang community—a women's organisation and the students and youth union. There are 1 million Ta'ang people in northern and southern Shan state. We discussed the conflict that has recently begun between the Ta'ang National Liberation Army and the Restoration Council of Shan State. After the ceasefire agreement was concluded, the RCSS signed it and went around Shan state to explain it. However, when it entered TNLA-controlled territory, clashes between the two armed groups began.

There are allegations that the RCSS is trying to extend its territory, and also suggestions that the military may be stoking the conflict to create divisions. Although things in Naypyidaw are hopefully being sorted and opened up, Burma is a big country with a lot of ethnic states, each with its own values, conflicts and tensions. It is very difficult for someone in the centre to be able to get to grips with all that.

The rule of law was a phrase that kept coming up time and again from every politician I spoke to. We met solicitors and other advocates in relation to various legal cases, which I want to raise briefly. Niranjana Rasalingam, a British citizen, has been in prison for 14 months without charge. He was accused of a cashpoint scam along with two Indian nationals who were not even in the country at the time the crime was supposed to have been committed. Niranjana Rasalingam is a constituent of my hon. Friend the Member for Croydon Central (Gavin Barwell), who has taken up his case.

We also met the solicitor who is dealing with the case of the rape and murder of two Kachin schoolteachers on the night of 19 January 2015. Their bodies were found in a village 140 miles from Lashio. Investigators were able to reach the village only one month after the incident and were able to interview some villagers, but none of the 48 soldiers stationed nearby. We saw harrowing photos of the teachers' dead and mutilated bodies. Their hands had been slashed to the bone, ostensibly with machetes, possibly by the military, to check that

they were not playing dead. That is how brutal and savage such killings are. For that not to be investigated properly is an absolute scandal.

We met Robert San Aung, who is dealing with U Gambira, a former Buddhist monk who was a leader of the saffron revolution and an outspoken voice for religious freedom, who was arrested on his return to Burma for illegal entry. There are many other such cases. People have got six-month and nine-month prison sentences simply for sharing stories on Facebook, for instance. People talk about too many cases of the police abusing their power of arrest for the purposes of their own influence, and they talk about judicial corruption and constitutional abuse. Power needs to be exercised out in the villages and towns to open things up. We heard from a civil activist:

“Democracy has only reached the upper levels—the regional and township levels—but we need to reach the local level and elect local leaders.”

**Mr Gregory Campbell** (East Londonderry) (DUP): I congratulate the hon. Gentleman on securing the debate. He mentions democracy having reached the upper levels. Does he agree that it is absolutely essential that the Burmese people at ground level see the benefits of the transition, and that they need to see the assistance of the west in trying to deliver on-the-ground democracy and tolerance and respect for all?

**Paul Scully:** The hon. Gentleman makes a vital point. Daw Suu is insistent that her MPs work in their constituencies to make sure they are seen to be working for the people who elected them. I know that the Department for International Development is doing a lot of work on democracy building. It is fantastic that Mr Speaker and many other Members here are helping directly, and it is vital that people on the ground see that work and see how it benefits them.

As I said earlier, it is not for us to tell the people of Burma how to run their country or their legal system. However, we are critical friends, and we should raise points where we can. Imagine if the boot were on the other foot. People complain about the possibility of President Obama telling us what we might do in the European Union referendum. Frankly, I am more interested in how Narendra Modi came over here, extended the hand of friendship and talked about partnerships and working together as equals. We will have such opportunities in Burma. There can be further work by DFID and by Parliament, and hopefully there will be opportunities for trade in the future. When I was over there, it was fantastic to see Lord Ahmad of Wimbledon visiting Yangon as part of a regional tour to talk about opportunities for transport infrastructure.

**Graham Stringer** (Blackley and Broughton) (Lab): I am enjoying listening to the hon. Gentleman's speech. He is absolutely right about the rule of law. Unfortunately, Burma comes in the top or bottom quartile, depending on which way we look at it, of the most corrupt countries in the world. Although it is not up to the UK to tell Burma how to run itself, how does the hon. Gentleman think we can best help it get rid of corruption?

**Paul Scully:** I would look to the example of places such as Bangladesh. It is not a perfect country by any stretch of the imagination, but look at how it has moved

on from being a corrupt state. Opportunities for business are starting to open up there as people realise that the level of corruption is unsustainable. A lot of investment has been coming into Burma from China, but it is starting to realise that cheap is not always best and that, frankly, China has little regard for the country—it has regard for the dollar and the kyat. Burma is looking to the west for investment and knows that for that to happen it will have to open up and tackle corruption. Hopefully we can help.

I want to put on record my thanks to Andrew Patrick, our ambassador in Burma, Gavin McGillivray, the head of the Department for International Development over there, and Kevin Mackenzie from the British Council. I also thank the many different people I met who spoke so eloquently and articulately. It gives me such hope for the future to know that a new generation is coming through. The politicians in Burma—Daw Suu and her colleagues—have been elected with their own vision. I hope that we can support them, but we must also let them deliver their vision. We should see how we can help them and then get in there and support them as partners. We want to be able to trade and do geopolitical work in that really important part of south-east Asia. I am looking forward to a constructive debate and would welcome the Minister's comments on the points I have raised.

**Several hon. Members** *rose*—

**Albert Owen (in the Chair):** Order. I remind Members that I shall call the three Front Benchers for the wind-ups at 10.30 am. The Minister might like to give Mr Scully a couple of minutes to sum up at the end, if possible. A number of Members have indicated that they would like to speak. If they keep their speeches to around six minutes, we can get everyone in. Another Member has asked to speak and will be joining us later.

9.52 am

**Valerie Vaz** (Walsall South) (Lab): As always, it is a pleasure to serve under your chairmanship, Mr Owen. I thank the hon. Member for Sutton and Cheam (Paul Scully) for securing this important debate. I also pay tribute to the Minister, who I think is the longest-serving Minister with this brief, so it is great to see him here. He has done his job very well. The shadow Minister, my hon. Friend the Member for Hornsey and Wood Green (Catherine West), has really taken Burma to her heart and turned up at all the relevant debates.

The recent trip to Burma by the hon. Member for Sutton and Cheam must have been incredibly emotional. He went with Ben Rogers from Christian Solidarity Worldwide; anyone who has read Ben's book would be astounded at how he has managed to slip into and out of Burma for so long. At least now, under a new democracy, he is able to travel freely. His book is almost like a James Bond novel.

The Inter-Parliamentary Union held a very important meeting with a top-level group of former Ministers. I am sorry that I could not be a member of the UK delegation, which was led by the former Member for Sheffield Heeley, my hon. Friend the Member for Penistone and Stocksbridge (Angela Smith) and the hon. Members for Enfield, Southgate (Mr Burrowes) and for Norwich North (Chloe Smith).

[Valerie Vaz]

There are lots of phrases we can use to describe the situation there, but Burma is on the edge of a new era. For the first time in more than 50 years, a civilian President has been elected, and Daw Suu is now in the Burmese Cabinet. Think back and reflect on her incredible journey. She returned to Burma to look after her mother. Both her parents are now dead. She was separated from her young children. She could not say goodbye to her husband when he was dying. Now, because of some petty little rule, she cannot take her place as President, but she is there in the Cabinet, serving her country.

Hers was an incredible journey. All of us sitting here in a democracy know we are lucky when we think of the terrible things she had to face. She was under house detention and in jail, and there were threats to her life, but she had the incredible courage to stand in front of the military—almost like standing in front of the tanks. We saw pictures beamed across the world of her confronting the military with no fear whatever—I am not sure I could have done that. She has been on an incredible journey and has now turned her country into an overwhelming democracy.

Nevertheless, the military still have that 25% of seats: it is like someone having two arms and two legs, but one arm tied behind their back. That is why the hon. Member for Sutton and Cheam is right that we need to support Burma, with human rights and the rule of law at the heart of its democracy, but at the same time allow it to make mistakes and to move on and form a democracy in its own way, making its own compromises. We must be careful of how we raise the issues and ensure that we are helping Burma, as we have done throughout. I was delighted when the Burmese Government's first move was to establish an Ethnic Affairs Ministry; the President said that that will be one of the most important things at the heart of their Government.

There also needs to be a truth and reconciliation forum. Whether or not it is something that our Government could help with, and whether or not it is done under the auspices of the United Nations or the EU, it is very important to do it. Perhaps the elders have a role to play. It seemed to work in South Africa, and I think Burma needs something similar to move on. Perhaps members of such a forum could include the heads of, or representatives from, all the religions. The Rohingya have to be part of it; they have to be able to tell their story. Another major issue is that of internally displaced people. Whether they are Rohingya or other people, we have to help them to go back to their villages. Many of them are still living in poverty. The non-governmental organisations have to have an opportunity to provide humanitarian aid to all those internally displaced people.

There has been a long-standing debate, with the Burma Campaign UK raising issues that sometimes many of us who are elected find difficult to raise. Its current campaign, to which I am a signatory—I encourage all Members to become signatories—is called “Standing with the women of Burma to end rape and sexual violence”. Some 110 high-profile women have already signed up to it, and it would be nice to see more signatories.

The hon. Member for Sutton and Cheam mentioned the atrocity involving the two Baptist teachers in Kachin state. What of the grandmother, Ngwa Mi, who was

sheltering in a church? They beat her and gang-raped her. She is now back in her village, but is understandably mentally unstable. How can someone ever deal with something like that? Will the Minister ensure that the UK Government direct their assistance to those women and give them help and support to rehabilitate them? They are survivors, and they are very strong. The former Foreign Secretary, William Hague, was very active on Burma. A Burmese delegation came in 2014 and we met them at a brilliant round-table event set up by the Foreign and Commonwealth Office. It would be nice for some of that effort and initiative to be directed to help those women.

We have an important role to play as part of the international community. We cannot stand by and see atrocities happen; we cannot stand by and see the rule of law broken or human rights abused. This is a global issue. Wherever we see injustice, we have to raise it. International pressure is important. Rather than try to influence particular pieces of Burma's legislation, will the Minister make representations that the 2008 constitution in Burma be amended so that the guarantee of impunity for military perpetrators is removed? We also have to keep up the international pressure to remove the rule that somebody cannot become President if they have children who were born outside the country.

The hon. Member for Congleton (Fiona Bruce) and I were part of a Speaker's delegation to that country, and we met some very brave women. I hope the Minister will make representations to ensure that women become an equal part of life in Burma. Whether it is in politics or through NGOs, their voices must be heard. The hon. Lady will remember the lovely children we saw going to school—that is where they should be—wearing backpacks with the United Nations logo stamped on the back. Hopefully, in years to come, we will ensure that they end up in school without needing that logo. We want those children to grow up not knowing hatred or judging people on the basis of their religion. They must have mercy and compassion for each other and use their talents for a new Burma.

Pope Francis has declared to all Christians that this year is an extraordinary jubilee of mercy. How fitting it would be for Burma to become the embodiment of equality, justice and peace.

10.1 am

**Chloe Smith** (Norwich North) (Con): It is a pleasure to follow the hon. Member for Walsall South (Valerie Vaz). I, too, congratulate my hon. Friend the Member for Sutton and Cheam (Paul Scully) on securing this debate, which allows us, like the hon. Lady, to celebrate this opportunity, to express our hopes and to talk about how we can help that extraordinary country with its challenges.

I want to talk about the work that I was part of in February at the behest of the United Nations Development Programme and the Inter-Parliamentary Union, in association with various Departments and UK Aid. The hon. Member for Penistone and Stocksbridge (Angela Smith), my hon. Friend the Member for Enfield, Southgate (Mr Burrowes) and I were led by Meg Munn, a former Member. We were part of a multinational, cross-party group of MPs from the UK, Australia, New Zealand, Malaysia, Hong Kong and elsewhere, which helped to train the newly elected MPs in Myanmar.



The challenge of working with a military quota in that Parliament has already been mentioned, but I want to offer some optimism based on what I saw of MPs of all parties. There is a wide range of parties, given the ethnic situation, but I hope that they will be willing and able to work with each other across those divides. It will be new for them, but, as has already been said, the situation in Myanmar is almost entirely new. Although it is the second Hluttaw, or Parliament, in official terms, this is the first opportunity they have had to work together constructively, and we wish them all luck with that. We helped them to develop the skills they need to do that. We chose the themes of scrutiny, accountability and representation, which are bread and butter to us—we are very grateful for that. As my hon. Friend the Member for Sutton and Cheam said, we have the privilege to take our places in an established democracy. It is an entirely different situation in Myanmar. I was glad to help those MPs to develop the skills that they require to perform their work.

Our training took place over a week and was delivered to about 400 MPs—that is, most of the MPs in Myanmar. As anybody who has done professional training knows, it is hard to train 400 people in any context. We had a blend of plenary work and speeches on the chosen themes, and we used examples from the countries represented in the delegation. To echo what the hon. Member for Walsall South said, we did not try to tell them how to do it. Instead, we offered examples of how we have seen it done in our countries. We supplemented the plenary sessions with a workshop approach. Each international facilitator worked with about 40 Myanmar MPs, which allowed us to go into a level of detail that was inspiring to me and everyone else involved. I hope it was constructive and detailed enough to encourage the Myanmar MPs to begin to think about how to apply those techniques.

We went into detail on subjects such as how a parliamentary question should be put and how constituency matters should be run, which is a brand new concept for many of those MPs. There will be some logistical challenges, but we gave them some ideas about how they can structure that work. We drew heavily on resources that are typically found in Parliaments. It is important that this Parliament continues to provide that support. The Clerks have already been mentioned, and the Library service is sharing skills, techniques and resources in a way that I hope will allow that fledgling democracy to take root.

During that week, we received a warm welcome from the Myanmar people—from the MPs and from the translators and interpreters, who were passionately keen to see the project succeed. They were touched by the friendship of other countries. They are all involved in that project. I hope that people outside those parliamentary circles will be able to draw on that friendship and support in the knowledge that others are looking at Burma and wishing it well. I hope they will be able to draw on that in the years to come.

There is great diversity and strength among that group of MPs. I am sure it will be the foundation of a thriving democracy if they can apply those skills to the country's many policy challenges. Among the group were men and women. There are some very impressive new women MPs, who knew what they had to contribute, and young MPs. As the chair of the all-party group on

youth affairs, I was keen to share my thoughts with them about how they can inspire young democrats in their country.

I am grateful to have had the chance to put on the record my reflections on that work. I hope to help the cross-party spirit in this Chamber to do more in the future.

10.7 am

**Patrick Grady** (Glasgow North) (SNP): It is a pleasure to serve under your chairmanship, Mr Owen. I, too, congratulate the hon. Member for Sutton and Cheam (Paul Scully) on securing this important debate. The last time we met in Westminster Hall, we were on different sides of the debate about the Government's threshold for the tier 2 visas, but it is clear that there is a lot of consensus today. I pay tribute to the passion and commitment that he has brought to this issue, which was reflected in his speech.

This is an important and timely debate. The National League for Democracy is preparing to take power in Burma on 1 April, following the elections last November. I will be brief, because other Members, including the hon. Member for Strangford (Jim Shannon), who has joined us, want to speak. I want to reflect on a few issues that have already been mentioned: the opportunities following the election, the issues facing the Rohingya people and the use of rape and sexual violence as a weapon of war, which the hon. Member for Walsall South (Valerie Vaz) spoke about.

I, too, pay tribute to Aung San Suu Kyi. I remember as a youngster learning about the situation in Burma on "Newsround". My parents had to explain the concept of house arrest to me. At the time, getting to hang around the house and not having to go to school seemed like quite a good idea. In reality, it is a very difficult situation. Aung San Suu Kyi lived with it for 15 years and remained a champion for justice and democracy throughout that time, so she deserves our respect and the tributes that have been paid to her.

In 2012, Aung San Suu Kyi was the first non-head of state to address Parliament in Westminster Hall. Mr Speaker, in his own lyrical way, described her as "the conscience of a country and a heroine for humanity".

That is a good way of encapsulating the fact that peaceful protest can eventually make progress to where we are today, with an elected Parliament in Burma, Aung San Suu Kyi herself as an elected Member, and a new President. That should be an inspiration to others fighting for democracy and freedom under repressive regimes elsewhere.

I pay tribute, too, to others who have fought for justice in Burma, not least the Burma Campaign, which provided useful background information for the debate. The Burma Campaign was supported by my former employers, the Scottish Catholic International Aid Fund, which has also provided support to the people of Burma. It is now providing support to refugee children in the border areas, with the Jesuit Refugee Service. Mention has been made of Cardinal Bo, and I am looking forward to meeting and hearing from him when he visits Parliament later this year, in May.

The elections are, of course, the beginning and not the end of the story. The newly elected Government now have to live up to the promise. There is a role for

[Patrick Grady]

the military, which must respect the dismantlement of the junta and not seek to overrule the elected Government, ensuring a clear separation between the military and the state. A lot of the challenges, as we have heard, can be seen in the challenges facing the Rohingya community. The measure of a democracy is how well minorities are treated and respected, and the Rohingya people are a minority whose religion is not recognised, let alone their citizenship.

I attended an Adjournment debate led by the hon. Member for Leicester South (Jonathan Ashworth) that highlighted the migration crisis—not something that is restricted to Europe, because there is a migration and refugee crisis in that part of Asia as well, of which the Rohingya community forms a substantial part. Furthermore, Human Rights Watch has stated that human rights violations against the Rohingya meet, in its reckoning, the legal definitions of ethnic cleansing and crimes against humanity. In the Scottish National party, therefore, we support the Burmese Rohingya Organisation UK in its call for action against hate speech and the extremists, the removal of restrictions on international aid in Rakhine state, the reform of the 1982 citizenship law, and a credible independent investigation, with international experts, into the charges of ethnic cleansing, crimes against humanity and possible genocide.

Related to that is the broader need to tackle sexual and gender-based violence, especially the use of rape as a weapon. The continuing reports of increasing rape and sexual violence by the military are deeply concerning. Sexual violence seems to have been used as a weapon of the Burmese army for decades as part of its warfare against minority groups in the country. It has to be tackled.

I pay tribute to the campaign in which 110, or 111, women, including my hon. Friend the Member for Livingston (Hannah Bardell), made a declaration on International Women's Day calling for an investigation into rape and sexual violence by the Burmese military; an end to the impunity with which it seems to be carried out; support for the victims; the inclusion of women at every political level in Burma, including the peace negotiations between the Burmese Government and the ethnic armed groups; and for Burma's rape law to be brought into line with international human rights standards that outlaw rape in marriage.

As part of the UK Government's preventing sexual violence in conflict initiative, many countries around the world have signed up to that declaration to end rape and sexual violence in conflict. The declaration contains practical and political commitments to end impunity and promote accountability. We call on the Foreign and Commonwealth Office to consider how that programme can be extended in Burma and to provide more support to the Government there to ensure that the PSVI principles make progress.

To allow time for others to speak, I will leave it at that. I echo the positive tone of optimism that we heard from the hon. Member for Sutton and Cheam and other speakers. Progress towards democracy is clearly being made in Burma, but it needs support. I hope that today's debate demonstrates some of that support and that, when we hear from the Minister, he will demonstrate what support the UK Government will provide.

**Albert Owen (in the Chair):** I am grateful to the hon. Gentleman. Fifteen minutes remain and three Back-Bench Members are waiting to speak, so you can do the maths.

10.14 am

**Fiona Bruce (Congleton) (Con):** I join my colleagues in congratulating my hon. Friend the Member for Sutton and Cheam (Paul Scully) on his eloquent speech and on his close and direct interest in Burma, which he has shown since he entered the House. That has been most welcome, especially by those of us who have had an interest for some years.

I welcome, too, the long-awaited democratic elections, which recently took place, and I join my colleagues in praising the bravery of millions of Burmese citizens who campaigned for decades, often at great personal cost, for liberty and democracy in their country.

I also join my colleagues in thanking the staff of this House who have been out to Burma, certainly since the visit of the Speaker's delegation in 2013, which included me and the hon. Member for Walsall South (Valerie Vaz). We learnt, including directly from Aung San Suu Kyi, how much the Burmese wanted and invited help with such issues as library facilities and research resources. It is to be commended that some of our staff went there—at least one for well over a year, away from home and family—

**Paul Scully:** Two years almost.

**Fiona Bruce:** Indeed, almost two years—to provide substantial help. I want to recognise that Mr Speaker has stayed true to his word, which he gave on that delegation, that we would provide help.

I am encouraged by the report of my hon. Friend the Member for Norwich North (Chloe Smith) on how much constructive help has been given to the MPs in Burma—again much needed. When we were there, they were quite surprised to hear that we went back to our constituencies every week. I remember providing a modest training session on Select Committees—again with the hon. Member for Walsall South—and people were surprised, because in this country Select Committees are not given the subject that they are to look into by the Government and, once they have looked into it, do not submit their report to the Government to be checked before it is published. I am encouraged that there has been a great deal of progress, so I commend my hon. Friend and the others involved.

As we are joyful, so we are cautious. Burma remains a nation in a delicate state. Hate speech, religious intolerance and the powerful remnant of the military still threaten to slow or prevent the next stage of Burma's growth. As we speak, forces continue to destabilise and halt the hard-won progress to date. The delicate balance of joy and caution is summed up in the words of the moderate Cardinal Bo, who has already been mentioned in the debate. He is a greatly respected and long-standing champion of human rights in Burma. He said:

“My country is emerging from a long night of tears and sadness into a new dawn...But our young democracy is fragile, and human rights continue to be abused and violated.”

We rightly extend our support, therefore, to Aung San Suu Kyi and the new President, U Htin Kyaw, who face the challenge of nurturing the fragile democracy. Even as we speak, nationalists have been protesting against the appointment of Vice-President Henry Van

Thio, because he is a Christian and a member of the Chin ethnic group. The ultra-nationalists find it an offence that a member of another religion and of a minority group should be in a position of such authority.

That is an important example to dwell on, because freedom of religion and belief has been under extreme pressure in recent decades in Burma. Minorities of all religions have suffered, as well as Buddhists, who stood up to the state-sponsored interpretations of Buddhism that we have heard about. So we celebrate the appointment of Henry Van Thio, and we hope that he will be a symbol of encouragement to many from the minorities in the country, who to date have been excluded from a voice in government.

Particularly persecuted, as we have heard, have been the Rohingya Muslims of Rakhine state. Previously, the regime promoted an ideology of hate that rejected the idea that Muslims could be fully Burmese, or that the Rohingya people had any right to live in the country. They were grievously targeted by military forces, and hundreds were killed and 140,000 reportedly displaced by violence in 2012. We need to ensure that they are given appropriate support and help.

Of comparable concern are the military offensives still being waged by the Burmese army against civilians in northern Shan and southern Kachin states. Gross violations of human rights have forced tens of thousands to flee, as we have heard. They either live as internally displaced persons, or IDPs, in dire conditions, or eke out a living as refugee migrants in other countries. In that context, I commend in particular the work of Baroness Cox from the other place and of her charity, HART, the Humanitarian Aid Relief Trust.

HART has done great work to assist oppressed people in Burma and to bring that oppression and the violations of human rights to the attention of the wider world. I will refer to some of Baroness Cox's work in more detail. In Burma, HART works to provide lifelines among the Shan, Karen, Chin and Karenni peoples. Shan Women's Action Network—SWAN—runs health, education and women's empowerment programmes. HART works only with local people, and through its remarkable work it is transforming in particular women's perceptions of their roles in their communities—as the hon. Member for Walsall South mentioned, that is much needed—and enabling them to become strong agents of change. I want to extend my best to HART for that vital work in strengthening civil society.

If the good people of Burma are to realise their potential, it is critical that civil society is strengthened and encouraged, particularly at a time when concerns are increasingly being expressed about the shrinking space for it across the globe. I ask the Minister to consider how civil society can be supported. I commend him on his sincere personal commitment to Burma over many years. I know that he is a Foreign Office Minister, but may I request again that DFID looks at how it can support small charitable organisations such as HART? It receives no support from DFID and yet it reaches right to the heart of the issue in Burma, helping women in their local communities to make a real difference. There is much more that I would like to say, but time prevents that.

**Albert Owen (in the Chair):** David Burrowes will be followed by Mr Shannon. The Front-Bench speeches will start at 10.30 am.

10.21 am

**Mr David Burrowes** (Enfield, Southgate) (Con): I thank my hon. Friend the Member for Sutton and Cheam (Paul Scully) for securing the debate and for giving such a personal, passionate and comprehensive speech, which really set the groundwork and showed the commitment of all of us across the House over many years to championing the cause of democracy in Burma. The path we are on is a good path. We can all take so much comfort that, at long last, there is a democratically elected Government. That brings great hope, but there are still such challenges.

As many will, I recall that, back on 21 June 2012—which interestingly was a Wednesday—Aung San Suu Kyi spoke just a few metres from this Chamber in Westminster Hall about her hopes for Burma would one day have Prime Minister's questions like we have here, which would be more raucous and informal than is currently the fashion in Burma. Whether we really want her to have to face the full extent of Prime Minister's questions, we look forward to the time when it is Aung San Suu Kyi at the dispatch box and she is free from the ridiculous constraints of the constitution and free to take up the formal leadership, for which obviously she already has a democratic mandate.

As has been mentioned, Daw Suu has also asked Britain to consider what it can do to help to build sound institutions needed to build a nascent parliamentary democracy. It is therefore welcome, as my hon. Friend the Member for Norwich North (Chloe Smith) and others have said, that our Parliament has stepped up and will continue to step up and work alongside those institutions.

When I visited Burma two years ago, I was humbled by the democratic warriors who have fought long and hard and paid the cost—some lost their liberty and others lost their lives—for the democracy that we take for granted. Those people, who have walked the walk for so many years, asked me to speak to them about how to build their democratic engagement. Their appetite for democracy is insatiable, it is growing and growing and it cannot be put back in the bottle. We need to do all we can to support them.

In the brief time I have available, I want to draw attention to the fact that my visit took me to the border areas. Burma is wonderfully diverse, but my visit revealed that what happens in Naypyidaw and the decisions taken there—indeed the influence of the NLD and Daw Suu—do not reach the border areas that have been in conflict for so long. We therefore need to recognise that, while there has been such great democratic progress, for those areas of conflict, where there is still evidence of landmine explosions, rape of women, indiscriminate killing of people and forced displacement, there is still a long way to go. Certainly, given that the Ministries of Defence, Home Affairs and Border Affairs are still directly under military authority and appointments are made by the commander in chief, we must do all we can to encourage change in that regard.

On 18 March in Geneva, the UN special rapporteur, Ms Yanghee Lee, highlighted the opportunities and hope, but also the challenges in relation to human rights. She properly drew attention to the fact that the new Government have

“an opportunity to break from the tragic status quo”.

[Mr David Burrowes]

She also recalled that 1 million Rohingya Muslims are deprived of basic fundamental rights and how progress needs to be made in removing restrictions on freedom of movement and in increasing support for groups working to build bridges between communities. We have heard about Christian Solidarity Worldwide, which is foremost in that work, but there are others and our country in particular, through DFID moneys and others, can help to support that.

I should highlight, as the hon. Member for Walsall South (Valerie Vaz) and others mentioned, sexual and gender-based violence. The PSVI initiative, championed by Lord Hague of Richmond, needs to continue. I would welcome him and others visiting again to see what progress needs to be made in that regard. There is hope and there are challenges, but we need to recognise that many in the IDP camps have been displaced for nearly three decades, so we need to see voluntary solutions for hundreds of thousands to be able to return. In the Kachin and northern Shan states, Christians have faced discrimination and persecution for many years. There are 4 million of them in those areas.

We need to recognise that the challenges also bring hope. There is an opportunity in Burma for progress in relation to respect for religious belief. It was welcome that at the UN a Catholic cardinal, a Buddhist monk and a Muslim activist stood together with one voice, saying, “We want a Burma that has equal rights for all, where all are protected without discrimination.” In the words of Cardinal Bo, who has been mentioned before:

“We have a chance—for the first time in my lifetime—of making progress towards reconciliation and freedom as a nation.”

10.26 am

**Jim Shannon** (Strangford) (DUP): Thank you, Mr Owen, for giving me the chance to speak in this debate, and I thank right hon. and hon. Members for making time for me. Members know that this issue is very close to my heart—I have spoken about it before—and I wanted to be here earlier, but I was unavoidably detained.

For decades, successive regimes and Governments in Burma have pursued a twin-track policy of impoverishment and human rights violations to attempt to wipe out the Rohingya community from Arakan state, which right hon. and hon. Members have spoken about. Human Rights Watch has stated that human rights violations against the Rohingya meet the legal definition of ethnic cleansing and crimes against humanity. The humanitarian crisis started when the Rohingya fled to camps in 2012, and senior members of the nationalist Arakan National Party continue to whip up hatred against them.

I am conscious that I can say only so much in the short time available. Under the current constitution, the Ministries of Home Affairs, Defence and Border Affairs must be filled by army representatives. I want to put on the record some of my concerns. Managing high expectations and maintaining party discipline will be a major challenge for the NLD. There is also a risk that, if the NLD Government challenge military interests too directly, army hard-liners will try to destabilise them.

The Minister is always responsive and I look forward to his comments. We have to take note of the Buddhist nationalist movement known as Ma Ba Tha, in which

Buddhist monks play a leading role. During 2015, that movement managed to pass four race and religion protection laws, which are seen by opponents as highly discriminatory against non-Buddhists. The 1982 citizenship law denies the Rohingya rights, including freedom of movement and access to health and education services. There is no way that these issues can be avoided, and it would be much better for the NLD Government to deal with them at the start of their period in government, when they have a new and strong mandate and strong party unity, and elections are years away.

Members have referred to ongoing conflict between the Burmese army and ethnic armed political groups and I have to put my concerns on the record as well. The Burmese army has used rape and sexual violence against women for decades as part of its warfare against ethnic minority groups in the country. That cannot go on unspoken about. It is possible for the new Government to initiate a domestic investigation into rape and sexual violence by the Burmese army, ensure that support is available to victims, include women in peace negotiations and politics overall, and repeal the laws, such as the rape law, that discriminate directly against women. Let us do something constructive and positive about those things.

Open Doors lists Burma as the 23rd worst country in the world for the persecution of Christians. If you will bear with me, Mr Owen, I will take two minutes to give an example. Amod is a Christian convert from the Rohingya tribe. He described the double discrimination that he faces as a Christian in Burma in this way:

“The Muslims in the village still wanted to kill me. One day, they came to do just that. They attacked me but some believers shielded me from harm. Another night, Muslims surrounded my home while I was sleeping and pelted stones on our roof.”

Amod is on the run. He is from the Rohingya tribe and converted to Christianity after 33 years as a Muslim. Christians from the Rohingya tribe are doubly disadvantaged. The country refuses to acknowledge Rohingyas, saying they are Bengali immigrants. Bangladesh, on the other hand, says they are indigenous to Myanmar. In addition, the Rohingya tribe rejects Christians who have converted from Islam.

Amod applied for permission to create a church for Rohingya believers, but was refused. After that he was hounded so much that he eventually took his family to Bangladesh, but his life was no easier there. So with seven Christian Rohingya households they fled to India, where they continued to be pursued from town to town. Amod maintains his witness and pastors the families, who are now scattered. I conclude with that, and I thank Members again for the opportunity to participate in the debate.

10.30 am

**Peter Grant** (Glenrothes) (SNP): It is a pleasure to serve under your convenorship, Mr Owen. I commend the hon. Member for Sutton and Cheam (Paul Scully) for securing the debate, and for the deeply passionate and moving way in which, through his family’s experience, he brought the situation in Burma right into the Chamber. I commend the other speakers in the debate too; there has been a strong degree of consensus, and that is something that Burma’s new parliamentarians might want to pay attention to—that sometimes, when things really matter, even those whose views come from across

the political spectrum and who come from a range of backgrounds and different parts of these islands can agree on the fundamentals. I think it was the hon. Member for Walsall South (Valerie Vaz) who reminded us that, although we must respect the right of the people of Burma to settle their own future, there are issues on which there are no borders. Whether fundamental human rights are protected or abused is a question on which national borders do not exist. We have human rights because we are human. They can and must be respected equally for all 6 billion-plus of us who share this tiny corner of the solar system.

Other hon. Members have spoken powerfully about the apparent situation—incomprehensible to us—in which the constitution gives legal protection to mass rapists but does not recognise the victims even as citizens in their own country, and gives the army the right to take power any time it sees fit. The army has an absolute veto over any attempt to change the constitution and people's rights depend on where their grandparents or great-grandparents came from, and their choice to worship whatever deity they believe in, or not to worship. We would all see those things as deeply troubling and a sign of a seriously backward society. However, we have to try to put ourselves into the mindset of those who are handing over power. From their point of view, Burma has been through a revolution in the past 10 years or so. They see themselves as having made huge concessions to the democracy movement, and we have to understand that, and recognise that from their point of view they are already reforming at a pace that some of their supporters would see as reckless. I cannot remember which hon. Member pointed it out, but some voices are being raised in Burma to say that it is unacceptable that someone from an ethnic minority should be allowed to become vice-president. Incidentally, trying to limit someone's worthiness for public office on the basis of their ethnic origin is not nationalism, but racism, and we should not be afraid to describe and condemn it in those terms.

Rightly, much has been said about Aung San Suu Kyi, and there is something immensely inspirational about the fact that an army that is still effectively all-powerful has to change the rules to protect itself from a 70-year-old woman who does not carry a gun. It is an example that, as my hon. Friend the Member for Glasgow North (Patrick Grady) has reminded us, is a shining light to all of us who believe in peaceful, democratic, lawful protest. Regardless of how powerful and well armed the forces of oppression might be, ultimately the voice of reason, reconciliation and peace will always come through. Perhaps, for those of us for whom this weekend holds particular significance, those thoughts are highly topical.

What do we want to happen next? We must continue to be a critical friend to the people of Burma and recognise that, as the hon. Member for Sutton and Cheam pointed out, there is a generation of Members of Parliament in Burma who do not know what a Parliament is. They got elected, and had never seen what a Parliament was and how it was supposed to behave. I am not sure that I would use Prime Minister's questions as an example of the best of the traditions to implement, but even as a severe critic of this place I think there are aspects of the way the House operates that provide a good example to Burma and elsewhere.

We must remember that probably there is no one serving in the police force in Burma who has ever known a time when the police force was there to protect people rather than oppress them; there is no one left in the Burmese army who knows what armies and soldiers are supposed to be for. That is another way in which we and others can help to set an example. I should be interested to hear from the Minister what is happening or being planned with a view to UK and other European police and military forces helping to demonstrate, to those reluctant to hand over the reins of power in Burma, that when the army returns to serving its correct purpose of protecting rather than oppressing citizens and the police go back to upholding the rule of law equally for everybody they are held in higher esteem. There is no doubt that although the army is deeply feared in Burma, while it is not particularly feared here, our soldiers are much more respected than I suspect most soldiers are in Burma. That is not because of the power of the weapons they use, but because of the restraint with which they do not use them, and because although there are sometimes incidents that cannot be defended, the military forces in the United Kingdom and most other parts of the developed world publicly condemn any abuse of power by their serving officers, and ensure that those are investigated and the culprits dealt with under the law.

It is impossible to finish my speech without referring to the appalling abuse by the Burmese army of the human rights of a generation of women and girls. There are no words that can describe the revulsion we feel at reports that a mother is forced to watch her 12-year-old daughter being gang raped by soldiers who are effectively immune from ever being held to account for their crimes. We have to make sure that those who will be in charge of the Burmese army in the near future fully understand that that kind of behaviour cannot be condoned or accepted.

**Fiona Bruce:** Would the hon. Gentleman therefore agree that it is important that small charities working at grassroots level to support women in Burma, such as the one I mentioned, HART, should be supported in turn by DFID? We need DFID to look more widely at supporting small charities that make a difference on the ground.

**Peter Grant:** I appreciate that that is a subject close to the hon. Lady's heart. What I will say is that there are certainly occasions when organisations at arm's length or independent from Government, which will not be seen to be interfering on behalf of another Government, are what is needed. Also, sometimes smaller organisations can be closer to the people they are trying to support. Whether their funding is best coming from DFID or elsewhere may not be for me to comment on.

**Jim Shannon:** I think it is important for the House to reiterate the point that wearing an army or police uniform does not give someone the right to abuse, rape or violently attack a girl or a lady. What we need, I respectfully say to the Minister, is to put that forward to the Burmese Government and ensure that they understand that it is morally and globally wrong, and they have got to stop it.

**Peter Grant:** Absolutely; I do not think anyone in this House or in the other place along the corridor would disagree with a word of that. I would apply the same to Members of Parliament and those elected to high office; we should see ourselves as elected to positions of responsibility rather than positions of power or influence. That, again, may be an example that we will have to continue to present to colleagues who have been elected to serve in the Burmese Parliament.

As has been said, Burma is going into a period of enormous optimism. There will be setbacks and problems. It is not all going to happen peacefully and quietly. I hope that not only the Government but parliamentarians and the rest of civil society in the United Kingdom and elsewhere will offer a helping hand where possible, so that the next generation of Burmese police officers, parliamentarians and soldiers understand that they are there to protect the rights of a flourishing democracy, and not to oppress it.

**Albert Owen (in the Chair):** There is going to be a minute's silence at 11 o'clock, at the end of this debate and before the next one begins, for those killed in Brussels. If it is confirmed that the whole House and estate are doing that, Members may stay for it.

10.39 am

**Catherine West (Hornsey and Wood Green) (Lab):** It is an honour to serve under your chairmanship, Mr Owen. May I congratulate the hon. Member for Sutton and Cheam (Paul Scully) on securing this important debate? Members may wish to know that at my daughter's secondary school, she is in Aung house. It is lovely to be able to explain to her and the other girls why their house is named after Aung San Suu Kyi.

I, too, have met Ben Rogers; I loved his book and read it during my Christmas break. It is clear from his book and from the work of Christian Solidarity Worldwide that Burma is a difficult place geographically, because so much happens in villages and it is difficult to scrutinise things happening a long way away. That presents us with a real problem in tackling human rights issues. Although we are all well apprised of what is happening with the Rohingya people, what is happening to other minority groups is less well known. Christian Solidarity Worldwide and other groups can perhaps help us understand the fuller picture of what is happening in Burma.

It has been fabulous to hear such a great range of voices today, and to hear about the trip that colleagues undertook to discuss parliamentary business. The hon. Members for Norwich North (Chloe Smith) and for Congleton (Fiona Bruce) spoke of the training courses they undertook with local parliamentarians in Burma-Myanmar and how exciting it was to hear about the experience of new MPs there. They also spoke about how we can take over all the knowledge about how we manage our constituencies here, which enriches the work of Burma's Parliament.

I was delighted to hear the intervention by my hon. Friend the Member for Blackley and Broughton (Graham Stringer) about corruption. We have not really touched on that sufficiently in this debate, but perhaps there is a separate piece of work that we could undertake on it, because it is crucial. British businesses going into Burma

in the coming years must be aware of the corruption problems in Burma and, indeed, other countries. Our approach to foreign policy must be balanced. It is important that we have trade at the centre of our foreign policy, but it is also crucial that we tackle difficult and entrenched issues such as corruption, human rights abuses and the repression of certain minority groups.

I appreciated hearing from the hon. Member for Glasgow North (Patrick Grady) about how difficulties with citizenship hold back Burmese members of Parliament from taking on their roles. I thank him for his speech. The hon. Member for Strangford (Jim Shannon) talked about the particular issues facing Christians and the testimonies of girls who have been abused in churches, which is a doubly awful situation. I have read such terrible stories myself, having been involved in the work of Burma Campaign UK to end rape and sexual violence.

It was good to hear the hon. Member for Congleton focus on the Shan women, who face particular issues that go right into the heart of their villages, and to hear the hon. Member for Glenrothes (Peter Grant) talk about the basics—the things that we take for granted that need to be worked towards in Burma. Indeed, the Parliament there has had the support of our Speaker for many years, and it is exciting to see the fruit of that coming to bear, with our own parliamentarians going abroad and making sense of the reality there.

I want to focus on Burma Campaign UK's pledge to end rape and sexual violence. We have heard some stories, and we have read about the two Kachin teachers aged 20 and 21 who were raped in Kaunghka village, in northern Shan state. No one has yet been charged or put on trial for that crime. Originally, when the former Foreign Secretary, with the support of Ms Jolie, made a big push on sexual violence, it took quite a bit of pressure to get Burma on to the list of countries that were going to be focused on. I am pleased that we eventually got Burma on to that list back in 2012, but it is a country that sometimes suffers from not being in the limelight enough. That is why it is special that Members have taken such an interest in it. While many countries immediately came to mind, such as the Democratic Republic of the Congo, it took quite a while to get Burma on to the list of countries that the then Foreign Secretary was going to focus on. I make a plea to the Minister today that he focuses on the role of women and girls, as we know from DFID's important work over the years that educating women has a long-term effect.

The pledge to which many of us have signed up calls for an investigation into rape and sexual violence, particularly involving the military. We heard a good intervention on that from the hon. Member for Strangford. It also calls for an

“end to impunity for rape and other forms of sexual violence”

and “support for victims”. We could do a lot to provide such support, hopefully through the DFID budget—for example, helping those with post-traumatic stress disorder and providing counselling and confidence building, which we know are crucial for women who are survivors of sexual violence. The pledge supports the

“inclusion of women at every political level in Burma including the peace negotiations between the Burmese government and the ethnic armed political groups”.

between which there is tension. Finally, the pledge calls for Burmese law

“to be in line with international human rights standards to outlaw rape in marriage.”

Those are the five elements of the pledge that we have signed up to, and I look forward to the Minister confirming that he will redouble his efforts to put them at the top of the agenda when speaking to Burmese Ministers.

I emphasise the importance of a rounded foreign affairs policy. We would like to see a much more high-profile debate on human rights as well as trade. There is a triangle of national security, human rights and trade, and the last two sometimes tend to be less high-profile.

We have not debated press freedom enough today. It is difficult to put that on an agenda between Governments, because it is about freedom, but allowing press freedom is a crucial part of knowing what is happening in terms of human rights. The hon. Member for Sutton and Cheam mentioned the punishment that is meted out to people who use Facebook. Finally, if the Minister would be so kind, I would like him to mention the anti-corruption stream.

10.47 am

**The Minister of State, Foreign and Commonwealth Office (Mr Hugo Swire):** I congratulate my hon. Friend the Member for Sutton and Cheam (Paul Scully) on securing the debate. I thank him for his personal insight, which always gives flavour to a debate, following his recent and, I think, first visit to the land of his forebears. Many Members of both Houses have close personal connections to, and a close interest in, Burma; he probably has the closest connection to Burma, in many ways. Many Members who have spoken this morning have been following developments in that country for many years, which has provided a good repository of knowledge and understanding in the House—perhaps more than of any other country. I welcome that, as it helps to better inform debate.

I know that my hon. Friend the Member for Norwich North (Chloe Smith) has also just returned, with a number of colleagues, from Naypyidaw. I was not quite sure what my hon. Friend the Member for Sutton and Cheam meant when he said that every Member of Parliament could have an office in Naypyidaw. Was he suggesting that when we come to refurbish this place, we should model it on Naypyidaw? I do not imagine he was. The chances of having a 20-lane highway while the Mayor of London is around, unless it is for cyclists, are rather small.

This debate comes at a remarkable time for Burma. Last Tuesday, President U Htin Kyaw became the first civilian head of a democratically elected Government there for more than 50 years. Next week, his National League for Democracy Government will finally take power. That is the culmination of a lifetime's effort by many committed individuals and lobbyists who have worked tirelessly and courageously for democracy. More than 100 of the NLD MPs in the new Parliament have endured long spells in prison. Others who have supported the cause of democracy have not only paid with their freedom; some have paid with their lives.

Clearly, however, the person who has been central in this unfolding drama and in bringing Burma to this point is Daw Aung San Suu Kyi. She has consistently

shown courage, determination and dignity in the face of challenges that most of us would have found impossible to bear. It is regrettable that a flawed constitution has prevented her from becoming President. We are aware of rumours about what her role will be in the new Government. Such rumours are at present purely speculative until the Cabinet is officially named; we expect that announcement tomorrow.

Credit is also due to the outgoing Administration, who planned and initiated the reforms. Although there is clearly still a very long way to go, their efforts deserve to be recognised, particularly the peaceful and orderly conduct of the elections last November.

At the start of the reform process in 2011, it would have seemed impossibly ambitious to suggest that the political landscape in Burma, and the lives of millions of Burmese citizens, could change so dramatically in just a few years. I am proud of the important role that the United Kingdom has played in that. Through our policy of constructive engagement with the Burmese authorities, we have supported and encouraged positive change in many areas. We have sought to nurture Burma's growing desire to return to the international community after years of isolation, repression and dictatorship. I very much welcome the moves by Mr Speaker, Clerks and Officers of the House and all the organisations that are helping the democracy-building process, which, as hon. Members have said, is much needed.

Some questioned our policy. Even six months ago, some Burma watchers predicted that the elections would not be allowed to happen, that they would be heavily rigged, or that the NLD would never be allowed to take power. Others dismissed our approach as the path of least resistance, but that, of course, was not the case at all. It has demanded time, effort and resources here in London, in Burma and throughout our diplomatic network, and I very much welcome and appreciate the nice, kind and appropriate comments that have been made about our ambassador and his team in Rangoon. It has required frank conversations in Rangoon and Naypyidaw, and I believe that our policy is now beginning to bear fruit.

The hon. Member for Glenrothes (Peter Grant) spoke about defence engagement. Our engagement with the Burmese military has quite properly come in for particular scrutiny and comment. Not all of it has been either particularly informed or positive, but given Burma's history I can understand that. As I have repeatedly said, real and lasting change will only come through engaging the Tatmadaw as they move towards reform and through showing them how modern militaries should operate in a modern democratic state—not by criticising them and isolating them from afar, as we did for so many years previously. Under the NLD Government, the military will still hold a quarter of the seats in Parliament, as has been pointed out. They will continue to control three important Ministries and hold an effective veto on constitutional change, so it will remain vital to continue that engagement—indeed, to step it up—with the full agreement of the new Government.

Our work with the military will continue to focus on their role in a democratic system. We would welcome their participation in civilian-led educational courses, such as with the Royal College of Defence Studies. Our engagement will include vital education on the rule of law and human rights, and particularly on countering

[Mr Hugo Swire]

the recruitment and use of child soldiers and combating sexual violence in conflict. None of that will increase the combat capacity of the Burmese military.

In a written statement to the House, I said that the parliamentary elections represented

“a victory for the people of Burma.”—[*Official Report*, 20 November 2015; Vol. 602, c. 25W.]

They were indeed an important victory, but they do not mark the end of Burma’s reform process. The work of transformation continues and will demand our support. That is why the Prime Minister has spoken to Daw Suu since the elections and offered whatever assistance she and her Government need as they set about tackling the many serious challenges that lie ahead—not least, as the hon. Member for Hornsey and Wood Green (Catherine West) said, that of corruption.

Challenges remain, including consolidating the democratic transition, energising the peace process, reforming the justice and security sectors and managing the economy for the many, not the few. We are already engaging with the incoming Administration as they prepare for office. When the time comes, we will be ready to respond with practical assistance in support of their priorities.

One of the challenges facing the incoming Government will be tackling the issue of Rakhine and addressing the appalling situation of the Rohingya community there, which we have discussed an enormous number of times in the House. Although much of Burma has greatly benefited from the reform process, the same cannot be said of Rakhine’s Rohingya minority. Large numbers of Burmese turned out across the country in November to vote and to signal their desire for future democratic change. However, the Rohingya were disfranchised for the first time in a Burmese general election. That exclusion, in the face of international concern—led not least by the United Kingdom—is a stark symbol of the extent to which they have been stripped of the most basic human rights and freedoms. We do not underestimate the complexity and sensitivity of the Rohingya issue, but we are equally clear that the incoming Government must begin to address the immediate needs of the Rohingya: improved security, relaxation of the restrictions on movement and a pathway to citizenship.

The hon. Member for Strangford (Jim Shannon) talked about religious freedom, as he often does. As well as Rakhine, the new Government face a number of other deep-seated human rights issues: dealing with the remaining political prisoners, managing the recent increase in tensions between Muslim and Buddhist communities and, as he pointed out, the growth of nationalist organisations such as Ma Ba Tha. It is also important that they engage in a wide-ranging programme of judicial and legislative reform. Incidentally, the hon. Member for Glasgow North (Patrick Grady) is meeting Cardinal Bo in May, and I hope to do the same.

The challenges remain significant, and we should not underestimate them. However, Aung San Suu Kyi has consistently championed the rule of law, and with more than 100 former political prisoners now National League for Democracy MPs, the new Government will want to take early action to tackle these issues. We will continue to provide support and encouragement across the human rights agenda. We will do so directly through technical

advice, programmes and projects, as well as with international partners and through bodies such as the UN and the EU.

The hon. Member for Walsall South (Valerie Vaz) talked about conflict-related sexual violence. We will continue to promote our efforts to tackle that following the visit that we supported last year of Angelina Jolie Pitt, the special envoy of the UN High Commissioner for Refugees. When I was in Rangoon on 27 July last year, I was pleased to launch the international protocol on the documentation and investigation of sexual violence in conflict, which is something we care very much about. The hon. Lady also talked about women playing a greater role in Burma—of course they should—and said that their voices should be heard. What better way to start than at the top, with Daw Suu, probably one of the greatest female icons that there has ever been?

The peace process will rightly be another priority for the incoming Government. Outgoing President Thein Sein and his Government can be commended for the progress that they oversaw, which culminated last October in the signing of the nationwide ceasefire agreement by eight ethnic armed groups. However, we are under no illusions about the scale of the challenge facing the Government in reinvigorating that process and achieving a lasting peace. Ensuring that the remaining groups sign up to the process and agree an enduring political settlement will require considerable energy and efforts early in the new Government’s term.

I am conscious that I should leave two minutes for my hon. Friend the Member for Sutton and Cheam, who secured and opened the debate. This is a moment when the United Kingdom can take stock of the situation in Burma. It is not going to be easy from now on. We have come through a very difficult period. The military retain their role, and the new Government are coming in and face many challenges. Managing expectations is going to be incredibly important. We have consistently supported the process and can take some credit for getting them to where they are, but our work has not stopped and now has to be redoubled in all areas.

I am most grateful to hon. Members across the House, because this is not an issue that divides us politically, and I urge them to maintain their vigilance and their support for a country that is in a very difficult period and process.

**Albert Owen (in the Chair):** I am grateful to the Minister. Mr Scully has a few seconds left to wind up.

10.59 am

**Paul Scully:** Thank you, Mr Owen. Frankly, I could have spoken for the full 90 minutes, so I thank all Members who have spoken—many of whom are long-standing campaigners for the country—for sparing you that prospect.

My visit was emotional, not just for my family but because when I was there I realised that in this transition, I can make a difference, and we, Parliament, can make a difference. That prospect is really exciting. I thank everybody very much for their contributions to the debate and I look forward to continuing support for Aung San Suu Kyi and Burma.

*Question put and agreed to.*

*Resolved,*

That this House has considered the political situation in Burma.



11 am

**Albert Owen (in the Chair):** Order. I invite colleagues to join me in observing a minute's silence in memory of the victims of the Brussels terrorist attacks.

*A one-minute silence was observed.*

## Legal Guardianship and Missing People

11.1 am

**Julian Sturdy** (York Outer) (Con): I beg to move,

That this House has considered legal guardianship and missing people.

It is a pleasure to serve under your chairmanship, Mr Owen. I want to put on the record that all our prayers and thoughts across the House are with those affected by the horrific events in Brussels yesterday morning.

It must be devastating when a loved one goes missing without any explanation or reason. We can only imagine the trauma and turmoil that brings to their families and friends. It is the sort of life-changing event that can be truly understood only by those unfortunate enough to experience it first hand, like my constituent, Peter Lawrence, whose daughter, Claudia, went missing on her way to work in York way back in 2009.

The uncertainty of a loved one going missing for weeks, months or even years on end is in itself devastating, but the practical implications cause unnecessary stress and challenges to their families. At present, when someone goes missing there is no legal authority in place to support families in dealing with their loved one's affairs. Ownership and control of their property is effectively left in limbo until they are found or declared presumed dead, which happens only after seven long years.

In its current form, the law dictates that a person is presumed alive until proven otherwise and they retain direct accountability for all their property and affairs as if they were not missing. There is no assumption that they have lost capacity to manage their estate. Clearly and sadly, this is not the case in reality. As it stands, the law has some very serious consequences when it comes to managing a missing person's financial affairs. For example, families are left unable to make mortgage payments, risking repossession, and cannot cancel direct debits or ensure that creditors are paid.

If the missing person has dependents, this further complicates the matter and, as I am sure you can appreciate, Mr Owen, it is incredibly distressing to watch helplessly as the financial affairs of a friend or family member are ruined. That happens at a time of complete turmoil for the family. Understandably, third parties such as banks and other financial institutions require direct consent from their customers before they will act on their behalf. The fact that someone is missing clearly makes this impossible. We need greater clarity for families and third parties in managing these issues. I am pleased that this view is widely accepted by all parties and the Government.

Many people will be aware that last week marked the seventh anniversary of Claudia Lawrence's disappearance, making this debate timely and an occasion to remember her and the thousands of other missing people in the UK. Claudia's father, Peter Lawrence, has campaigned tirelessly on behalf of all families who suffer from having a mother, father, daughter or son go missing, and I think his work should be commended.

We still do not know what happened to Claudia, but Peter's campaign to change the law to help families who find themselves in such an incredibly difficult situation is inspirational. He is in London again today, campaigning

[*Julian Sturdy*]

for the change. With the assistance of the Missing People charity, Peter played a key role in pressing the Government to consult on creating a new legal status of guardian of the property and affairs of missing people back in August 2014. I, with other Members of Parliament, interested groups and members of the public, contributed to the consultation.

Exactly a year ago, in March 2015, the Government published their response to the consultation. They expressed their strong support for this new legal status and committed to introducing primary legislation as soon as possible. That was welcomed by all at the time and was seen as a huge step forward in the campaign. None of us thought in March 2015 that we would be at the same point a year on. It is deeply disappointing that no significant progress has been made.

In January, I received a letter from Lord Faulks informing me that

“work is progressing on developing the draft legislation”.

That is all we have been told and we are not seeing any action.

**Rachael Maskell** (York Central) (Lab/Co-op): Claudia Lawrence lived in the hon. Gentleman’s constituency. As the Member for York Central, I am pleased to see her father in the Chamber today. He has been a real campaigner for missing people.

Would it not be expedient, as the forthcoming Queen’s Speech is so imminent, to bring in legislation on guardianship? We would love to see that in the Queen’s Speech to bring relief to families in sorting out the financial and property affairs of missing people.

**Julian Sturdy**: I agree entirely with my honourable neighbour, who is absolutely right. The debate is timely because we are six or eight weeks away from a Queen’s Speech, and that would be an ideal opportunity to see some progress on this important legislation.

[*MR JAMES GRAY in the Chair*]

It is simply not good enough that, a year after promising action as soon as possible, we still have nothing to show the families who desperately need our help. Families continue to be unable to protect their missing loved one’s finances and property. It is unacceptable that no action is forthcoming and I call on the Minister today to commit to a clear parliamentary timetable for introducing this Bill.

When Claudia went missing in 2009, Peter soon discovered that he was powerless to act on behalf of his daughter. He was defeated by needless obstacles at every turn. The creation of a new legal guardianship status would allow families to act in the best interests of the missing person and give third parties the legal assurance that they need to help to resolve ongoing issues that are currently constrained by contract and data protection. The consultation paper proposed a system that is overseen by the Office of the Public Guardian and administered by the courts. Clearly, that will require detailed legislation that will need proper scrutiny before the House.

**Chris Evans** (Islwyn) (Lab/Co-op): I thank the hon. Gentleman for raising this important issue, which is very close to my heart. Richey Edwards of Manic Street Preachers fame disappeared and his sister, Rachel Elias, campaigned extensively for the Presumption of Death Act 2013, which was passed by the coalition Government. I am delighted to see Peter Lawrence, Claudia’s father, sitting here today, and I pay tribute to him for all the work he has done.

Has the hon. Member for York Outer (*Julian Sturdy*) studied the Australian model of the Guardianship and Management of Property Act 1991? The legislation allows for an application to be lodged to the guardianship and management of property tribunal of the magistrates court to have someone appointed a manager to the property of a missing person. Has he thought about whether that type of legislation could be implemented here in the UK?

**Julian Sturdy**: The hon. Gentleman is absolutely right to raise the Australian model, and that should form part of the process that I hope the Minister will follow. For me, we must ensure that we see progress—and quick progress—on the measures now. We have had the consultation. We have cross-party support. We need action.

Families have been waiting for years for protection, and the unnecessary delay in implementing the legislation will only prevent yet more families from doing what is right for their loved ones’ estates. I accept that parliamentary time can be in short supply and that many important Bills are currently progressing through the House. However, the fact remains that the Government promised to act as soon as possible. A year on, they have failed to deliver on that promise.

I quote from the Government’s own response to the consultation last year, which stated,

“given the importance of this measure and the strong support from all sides, legislation will be brought forward as soon as possible in the new Parliament.”

The proposals also have the support of the Justice Committee and the all-party group on runaway and missing children and adults.

According to figures from Missing People, currently 2,215 adults across the country have been missing for more than three months. It is expected that between 50 and 300 applications for guardianship for missing people would be made each year under the new legislation. However, discussing the crisis in numbers overlooks the important impact—that behind each and every person are families and friendship groups suffering from uncertainty and the sad realisation that they are powerless to act.

It is next to impossible for me to comprehend what Peter has been through for the past seven years, as well as other families right across the country, as has been highlighted in the debate. I hope that we can all agree that it is essential that we offer every assistance we can. Disappearance can affect any family at any time across the country. It could be my family. It could be the Minister’s family. Any family in this room could go through this at some point in their lives. We all have a duty to ensure that the families of missing people do not have to deal with the additional stress and worry of not being able to protect their loved one’s property.

A year has now passed since the Government committed to creating a new legal status of guardian of the property and affairs of missing persons, yet we are no further forward in the process. The Government must now commit to a clear parliamentary timetable for delivering the changes, to help those families at a time when their world has simply been turned upside down. There is, as has been expressed, strong cross-party support for the measures, so there are no excuses. I am resolute in my view and will continue to lobby the Minister and the Government until families such as Peter's get the change that is so desperately needed.

11.15 am

**The Parliamentary Under-Secretary of State for Justice (Mr Dominic Raab):** It is an honour to serve under your chairmanship, Mr Gray. May I start by expressing, on behalf of the Government and, I am sure, the whole House, our condolences to the people of Belgium? It goes without saying that we stand shoulder to shoulder with them at this very difficult time.

I congratulate my hon. Friend the Member for York Outer (Julian Sturdy) on securing the debate. I am grateful for the opportunity to respond on behalf of the Government on this important issue. It is a technical issue when it comes to how we respond and reform the system, but one of heartfelt agony for the families who have to endure the predicament that my hon. Friend expressed so eloquently.

With that in mind, I pay tribute to those who have done so much to put and keep the subject on the agenda. They include, in the House, the all-party group on runaway and missing children and adults, and the Justice Committee, which has called for reforms consistently in 2011 and 2012; and the charity Missing People, which has steadfastly campaigned on behalf of missing people and their families. I personally acknowledge the deep heartache of the many families involved, which lies beneath the technical details of the proposals that I will outline. It would be remiss of me to pass up the opportunity to pay particular tribute to Peter Lawrence and his family, who are constituents of my hon. Friend. I know that Mr Lawrence is here today, and I extend that recognition and tribute to him and his family.

Claudia Lawrence has now been missing for seven years, and I am pained every time I see or read about the case. I can only imagine how difficult it must be for her family and, of course, for others in the same position. I know that my hon. Friend and Mr Lawrence will be disappointed that we have not legislated sooner. I acknowledge that. All I can say is that we will do everything we can to progress the proposals into legislation. I am inspired by the example that Mr Lawrence and my hon. Friend have set in that regard. It is important, and I give an undertaking, to keep the case of Claudia and the many others like her whom I have learned about—and the human toll of those cases—at the forefront of my mind as we take forward the technical legal proposals.

At present, as has been recognised, the common law rather pragmatically assumes that a person is alive until proven dead. It can therefore be slow to enable control of a person's property and affairs to be given up to another person following an unexplained disappearance. The truth is that that gives us all a degree of protection, but it also means that when a person disappears with no

explanation, their friends and family are left to face the practical difficulties of protecting the interests of the missing person and carrying on with their lives, on top of the deep emotional and personal shock and the challenge of coping without that person at the heart of their lives.

Those left behind may have access to funds, perhaps in a joint account that was previously controlled by the missing person. However, without the good will of third parties, the chances are that they will not have access to, or the ability to control, the missing person's assets, whether in cash or in kind. They may find themselves effectively in a legal vacuum or void. In practical terms, that may mean being unable to adjust standing orders with a bank, or something as simple as that. It may mean being unable to ensure proper care for dependants, or it may create complications for businesses that have to get on with their daily and monthly work. Joint mortgages may be rendered, in practice, effectively unmanageable. Lots of basic daily things become increasingly difficult to keep a handle on and to keep control of in such a legal vacuum.

**Christina Rees (Neath) (Lab):** It is a pleasure to serve under your chairmanship, Mr Gray. I congratulate the hon. Member for York Outer (Julian Sturdy) on securing the debate. The Opposition wholeheartedly support the campaign by Mr Lawrence and Missing People. I have been through this myself. My uncle disappeared many years ago. He just walked out of our lives, and to this day we do not know what happened to him, which has made it very, very difficult to handle matters. This debate is close to my heart. I urge the Minister to proceed with the proposals as soon as possible and end the heartache.

I cannot imagine what you have been through, Mr Lawrence. My heartache pales into insignificance compared with yours.

**Mr Raab:** I thank the hon. Lady for sharing her personal insight and for her expression of cross-party support for the proposals, which certainly helps. The Government acknowledge the very real predicament of families such as the Lawrence family.

**Chris Evans:** I have known the Minister a long time, and he will focus on this like a laser beam. When I was campaigning for a presumption of death Act back in 2011, Missing People said that the law is like crazy paving—that was the best way of describing it. There is no certainty, and people are looking to the Government for some form of certainty. I look for that assurance today.

**Mr Raab:** The hon. Gentleman has highlighted the problem with which we are grappling. I understand that people want to hear assurances today, and I will do my level best. Of course, we acknowledge people's predicament, and we want to do everything we can to help the families of missing people address the administrative problems that can make life even more piercingly difficult at such a traumatic time. It is estimated that there are a significant number of cases of disappearance each year in which there are sufficiently serious problems to make the appointment of a guardian a worthwhile option to have on the legislative table, so to speak.

[Mr Raab]

The coalition Government consulted on the proposals to create a status of guardianship, and the response was published shortly before the 2015 general election. I reassure all Members that the Government are committed to pursuing the measure and getting it into law.

**Kevin Hollinrake** (Thirsk and Malton) (Con): Will the Minister give way?

**Mr Raab:** I will give way briefly, and then I need to make some progress.

**Kevin Hollinrake:** I am grateful to the Minister. I congratulate my hon. Friend the Member for York Outer (Julian Sturdy) on securing this important debate. I understand that some 2,500 people could be helped by the proposals. I pay tribute to Mr and Mrs Lawrence—Mrs Lawrence is a constituent of mine. They have kept hope alive for Claudia and they hope to help thousands of other people, and today they are hoping for a clear timetable. I know it is a question of finding time, but it is now time to make time for Claudia's law.

**Mr Raab:** My hon. Friend has been a steadfast campaigner for this reform, and it is because of efforts such as his and those of my hon. Friend the Member for York Outer that I believe we will be able to make progress.

I have mentioned the Government response to the consultation proposals, and the Government are committed to pursuing the measure. It is not, however, solely about creating a new status in law. We also need to be sure that, when the new system is introduced, there is a judicial and supervisory structure to support it. Putting someone in control of another person's property is a significant and sensitive legal step that is not to be taken lightly. I am sure there is acknowledgment on both sides of the House that we need to get the detail of the proposals right, accurate and tailored in the right way to protect the interests of those directly affected—the families, first and foremost—and to preserve the integrity of the law as a whole. We need a framework in which the interests of the missing person, the families left behind and the third parties who deal with them are correctly calibrated and balanced.

It is wrong to say that progress has not been made. We are making progress, and I will briefly outline some of the key features of the proposed scheme on which we are actively working. First, guardians would be required to act in the best interests of the missing person. In that respect, there would be fiduciary-style duties. Secondly, guardians would be supervised by the Office of the Public Guardian and required to file accounts in much the same way as a deputy appointed under the Mental Capacity Act 2005.

Thirdly, guardians would be appointed by a court on application by a person with a sufficient interest. That is important, because the appointment may be general, in which case the guardian would be able to do what the missing person could have done—they would effectively have a free hand, for want of a better technical term—or it could be limited in certain respects. It is right to have those options on the table.

Fourthly, anyone should be able to apply for appointment as a guardian, provided that he or she has a sufficient interest, which obviously would need to be carefully defined. We are looking carefully at that. We would also need to make sure that their interests did not conflict with those of the missing person. I suspect that we would envisage close family members, or professionals such as a solicitor or an accountant with the requisite familial support, being able to apply.

Fifthly, we envisage that a person should have been missing for a period of, say, at least 90 days before such an application could be made. I am interested in other thoughts on that, but we think 90 days is probably a broadly reasonable period. Finally, the appointment of a guardian should be for a period of up to four years, with the possibility of applying for an extension of another four years. That is a significant period but, ultimately, it would be a temporary provision.

There is obviously a lot of technical detail buttressing the bones of the proposals, and we will need to define in further detail the scope of the guardian's responsibility, the imposition of appropriate duties on him or her, and the appropriate court procedures for the appointment of the guardian and for redress if the guardian's conduct falls short of the required standards. There will need to be an adequate supervisory regime over the whole structure, capable of commanding public confidence as well as the confidence and buy-in of the families affected.

As has already been mentioned, there are precedents for such a status and model in legislation in other countries, including in Canada and Australia. Ireland is also currently considering legislation in this field, and we are carefully considering the different models on offer. Obviously, we want to tailor the proposals to ensure that we have the right regime for the legal system, the particular nature of the problems and the administrative aspects in this country. Our development and drafting work is not yet complete, but we are working to complete it as soon as practicable. Given the details that I have talked about, it is important to get it right. We are consulting parliamentary counsel, and we would not go down to that level of detail unless we were serious. I hope that gives some reassurance to hon. Members on both sides of the House, and particularly to the campaigners and the Lawrence family.

We understand the importance of completing the legislation and getting it right, and it is worth saying that guardianship status is not the only measure that we are proposing to help those affected by the disappearance of an individual who is close to them. The Government are also reviewing the missing children and adults strategy, which was originally published in 2011. We are engaging with stakeholders, including Missing People, to update the guidance on cases of children and adults who go missing. That updated strategy will be published later this year and will include measures to help prevent people from going missing in the first place and to improve the response of all the relevant agencies.

Although I am sorry to disappoint anyone here today, I cannot give a specific date that is firmly etched in stone for introducing the legislation. I hope my hon. Friend the Member for York Outer and the whole House will recognise that the Government are committed to delivering the reform and are actively working to that end. It is vital to get the reform right, given that it creates a legal power over another's assets. We are

committed to proceeding as swiftly as we can, never forgetting for a moment the scope that it offers to ease, if only by a modest degree, the pain and suffering endured by the families who have lost loved ones.

*Question put and agreed to.*

11.29 am

*Sitting suspended.*

## National Minimum Wage: Care Sector

[ANDREW ROSINDELL *in the Chair*]

2.31 pm

**Paul Blomfield** (Sheffield Central) (Lab): I beg to move,

That this House has considered Government policy on enforcement of the national minimum wage in the care sector.

I am delighted that you are in the Chair, Mr Rosindell, and that so many colleagues are here to speak about this issue.

I am pleased to have secured this debate, although I am disappointed that it is still needed, because we had a debate on this very issue, led by my right hon. Friend the Member for Oxford East (Mr Smith), back in November 2014, during which it was acknowledged that we had a real problem. That was acknowledged by all sides, including by the Minister at that time, the right hon. Member for North Norfolk (Norman Lamb), because in March that year the National Audit Office had estimated that up to 220,000 home care workers in England were being illegally paid below the national minimum wage. Eighteen months on, we still have the same problem.

We could talk forever about numbers, and I am sure that a number of colleagues will cite statistics, but I think the human stories explain what the issue is really about.

**Angela Rayner** (Ashton-under-Lyne) (Lab): I worked in the sector as a home help and represented home care workers. Does my hon. Friend agree that the human stories are quite tragic? What home carers end up having to do is subsidise their employers, who do not pay them travel time. A good employer will see the value of their staff, and pay them correctly and appropriately.

**Paul Blomfield:** I thank my hon. Friend for that intervention and I completely agree with her. I will illustrate that point further in my comments today.

**Nick Thomas-Symonds** (Torfaen) (Lab): My hon. Friend has talked about the delay and the lack of action since the previous debate. Is not one of the reasons for that the fact that, when investigations are launched into these matters, they take an inordinately long time?

**Paul Blomfield:** My hon. Friend is absolutely right. Indeed, arising from our last debate, six investigations were commissioned. I asked a parliamentary question about those investigations. They were launched in February 2015 and have yet to report. That is clearly a disgrace.

I was talking about the human stories in my constituency. I know of two local women who work for a care company that uses GPS technology to monitor when they arrive for and leave appointments. They told me their stories. The company monitors the time that they spend travelling; to be accurate, it monitors the distances that they are travelling, but it does not pay them for that time. Incidentally, the company also rips them off on the cost of travelling; it pays them 12p a mile for using their own cars, when Her Majesty's Revenue and Customs assumes for its calculations that 45p a mile is a reasonable benchmark.

One of the women, Sharon, told me that it was not unusual for her to be out of the house at 6.15 in the morning and not return until 11 o'clock at night. She gets a break, but she is only paid for seven hours' work,

[Paul Blomfield]

which is the time she is actually at appointments. Never mind how long it has taken her to get to an appointment or to travel between appointments. Consequently, a so-called “hourly” rate of £7.52 means that, according to Melanie, who works alongside Sharon:

“A 15-minute visit is worth £1.88”.

These women have even been refused payment for the time they have spent waiting for ambulances to arrive for people in their care. Why do they put up with that abuse? As Sharon told me:

“You get in a bit of a trap, because I actually do love the work.”

We should be ashamed that tens of thousands of people like Melanie and Sharon across the country, who look after our most vulnerable, are treated in that way simply because they care.

It also makes a mockery of our national minimum wage legislation. Let us be clear that it is a criminal offence knowingly not to pay the national minimum wage. However, the situation has not improved since we last debated this issue. In fact, there are signs—

**Melanie Onn** (Great Grimsby) (Lab): Does my hon. Friend agree that it is a disgrace that only 36 English councils out of 152 that are responsible for social care stipulate in their contracts that home care providers must pay for workers’ travel time?

**Paul Blomfield:** I do indeed and I pay tribute to those councils that are now changing their rules, so that when they commission they require workers’ travel time to be paid. Hopefully, more councils will follow their example.

I am disappointed that the Government seem to be taking this issue even less seriously than when we last debated it. Last summer, HMRC launched a new national minimum wage campaign that allows employers who have not been paying it to escape punishment. That is shocking. But it is simple: offending employers can declare details of arrears owed to their employees. They then “self-correct” and, with a cursory follow-up by HMRC, that is it—no more HMRC sniffing around and examining their practices. I do not know of many crimes where the offender escapes punishment entirely if they come forward. As I say, it makes a mockery of the increases in penalties for non-payment of the national minimum wage that were introduced under the coalition Government.

According to the Low Pay Commission, between 2011 and 2015, £1.75 million was recovered in arrears for 8,698 workers, which amounts to an average of £201 per worker. The shameful thing, however, is that that is just a drop in the ocean. The Resolution Foundation, which the Minister will know is chaired by one of his former colleagues, a former Conservative Minister, estimates that 160,000 care workers are collectively cheated of £130 million each year. The Resolution Foundation estimates that the average amount of arrears owed to care workers is more than £815, which is four times the rate at which HMRC is recovering the money.

The real scandal is that it does not have to be like this. The Government have the power to act, but they appear to lack the will to do so. Therefore, let me set out some proposals and I look forward to hearing the Minister’s comments on them.

For a start, the Government are far too reliant on self-reporting. The use of zero-hours contracts is rife in this sector; for example, both Sharon and Melanie, to whom I referred earlier, are on such a contract. So who is going to rock the boat when there is so little job security? Following up on every call made to the helpline is all well and good, but what are the Government doing to help those vulnerable care workers who do not dare to make such a call?

**Chris Stephens** (Glasgow South West) (SNP): I thank the hon. Gentleman for giving way and I congratulate him on raising this important issue. Regarding self-reporting, does he agree that the biggest single reason that employees are reluctant to do that is fear of dismissal and, if they are not dismissed, fear that there will be a cut in their hours?

**Paul Blomfield:** I thank the hon. Gentleman for that intervention and I think he is right. It is the fear experienced by workers in this sector that is driving unreporting. The Government need to do something about that.

Establishing a formal public protocol to handle third-party whistleblowing would be a step forward. Currently, for example, when a union makes a complaint on someone’s behalf, it receives no feedback as to what is happening with that, and that is no way to facilitate reporting.

We also need proactive investigation into a sector in which we know abuse is rife. Following pressure from Labour that was led by my right hon. Friend the Member for Oxford East, the coalition Government began an investigation into six of the largest care providers, but that was over a year ago. What have they found out? Have affected workers been compensated? What is happening? I hope that the Minister will give some answers, because effective investigations will help to change the culture. Where HMRC investigations uncover non-compliance, why does it not then look at the whole workforce? The chances of co-workers being on the same terms and conditions and suffering from the same abuse is high, but HMRC does not follow through.

I have made a number of suggestions about how the Government might act—I will not speak for too long, because a number of colleagues want to contribute to this debate—but I want to focus on a single demand, which I emphasise would not involve the Government in significant cost, but would be transformative. It is a course of action that has been recommended by the Low Pay Commission and Unison, and it is simply to require employers of hourly paid staff to state clearly the hours they have been paid for on their payslips. We have heard how companies such as the one employing Melanie and Sharon have sophisticated technology to track exactly what their employees are doing. They already monitor the time spent at appointments and travelling for work. The proposal would be easy for companies to do and would introduce a level of transparency that would change those companies’ culture. It would also give workers the information through which they could challenge companies and utilise the helpline. Section 12 of the National Minimum Wage Act 1998 already makes provision for such regulation. Will the Minister work with me and his team to bring about that simple change?

All of us here know that there is a bigger fundamental problem with the chronic underfunding of the sector. Private providers are threatening to leave the market

and not-for-profit providers are telling me that they cannot sustain the level of care that they want and rightly seek to provide. Vulnerable people, the elderly, those with learning difficulties and family members fearing for the life of their relative as they wait for an ambulance are all suffering as a result. That is before the national minimum wage increases to what the Government have laughingly called the national living wage. We all agree that is overdue. It is inadequate, but it is nevertheless a small step in the right direction.

We all know that the recently announced council tax social care precept is nowhere near enough to plug the funding gap, so we should be deeply concerned by the wider crisis in social care, and not only in its own right, but because of the impact it will have on the national health service. Notwithstanding that and the desperate need to address the funding shortfall, the labour market enforcement measures that I have mentioned are necessary and will be a step forward, and I hope the Minister will engage with me in taking those up.

**Several hon. Members** *rose*—

**Andrew Rosindell (in the Chair):** I advise the House that a number of Members wish to speak. There is only limited time, so I urge Members to be brief and to keep their contributions to no more than three or four minutes each. I hope that then everyone will be able to speak.

2.43 pm

**Mr Andrew Smith (Oxford East) (Lab):** I will try to be as quick and as brief as I can, Mr Rosindell. I congratulate my hon. Friend the Member for Sheffield Central (Paul Blomfield) on securing this debate and on his powerful speech, which compellingly made the case for urgent Government action in this vital area. I fully support the case being made by Unison and the Low Pay Commission to use section 12 of the National Minimum Wage Act to require employers to provide workers with a statement showing compliance with the national minimum wage.

As my hon. Friend said, the present situation is scandalous. There has been some improvement in some places since we, the unions and those with a concern for the social care sector mobilised pressure, but it has been not nearly enough and a lot more needs to be done. The example of Oxfordshire County Council shows that we are not making an unreasonable demand. The council, which is Conservative-independent controlled, has recently commissioned a new home care service that will come into effect on 1 May. As part of that, the council will require providers to give a breakdown of their prices; to demonstrate the hourly rate that will be paid for care workers at or above the national living wage from 1 April; to include travel time and the hourly rate paid to care workers; to pay care workers for travel expenses, as they should; and to adopt an open-book accounting method. That will enable the council to understand whether the national living wage is being paid to care workers. If the provider does not comply, it can be suspended. That is the sort of practice we need to see everywhere.

As my hon. Friend said, it is vital that that practice goes along with other measures to raise the status, training and overall remuneration of this vital group of workers. I will give a local example of just how important it is that we get it right across the country. Because of the problems of delayed discharge from hospitals, which

are as bad if not worse in Oxfordshire than just about anywhere else, the local hospital trust commissioned 150 places in intermediate care and private care homes so that people could be moved on from hospitals, which are not the best place for those people to be. It is also the most expensive place for them to be. Initially, that reduced the problem of delayed discharge, but then it got worse again because the intermediate care providers could not discharge those people to their homes because of the insufficiency of domiciliary care support. As a result, the hospital trust will shortly be recruiting 50 domiciliary care workers to try to address that problem. They will be paid for out of the hospital's budget, rather than from the local authority social care budget, which is stressed and under pressure.

We are talking about workers who are vital to crucial health and social care services. I do not believe that Government Members—it is a pity that there are not more Members on the Government Benches taking an interest in this vital issue—want social care workers to be exploited or treated badly. Instead, because of their rhetoric against red tape and regulation and their antipathy sometimes towards trade union campaigns, I think they do not understand how vulnerable these workers are, or the pressure under which they work.

I appeal to the Government to think again and to see how the measure is essential for the dignity and proper reward of vital workers and for recruitment and retention in this vital sector, as well as how essential it is in ensuring that the people whom they are caring for receive the standards of care to which they are entitled. The Government must act now and, using section 12 of the 1998 Act, bring some consistently higher standards to this vital sector.

2.47 pm

**Mike Wood (Dudley South) (Con):** It is a pleasure to serve under your chairmanship, Mr Rosindell, I think for the first time. I thank the hon. Member for Sheffield Central (Paul Blomfield) for securing this debate on an extremely important issue. Before I begin, I declare an interest in that my brother works in the social care sector—he started a new role on Monday—although he is not directly affected by the issues we are discussing this afternoon.

Social care is such an important feature of our society and social workers are integral to the care of people in need and those at risk. Despite that, too many social workers have suffered at the hands of unscrupulous employers—employers who have continued to flout the law and who simply do not pay the full national minimum wage. While HMRC maintains the operational enforcement of the national minimum wage, in my 10 months as a Member of Parliament I have yet to see either a coherent or sensible approach.

I will draw Members' attention to two cases that I have seen since my election last May and contrast them with each other. The first concerns a care company in the black country. None of its care workers is paid for their travel time or when calls run over. The hourly rate therefore fell well below the national minimum wage over a substantial timeframe, but the HMRC investigation has been ongoing for nearly four years. To date, it has resulted in a notice of underpayment for only one of the employees who filed a complaint, even though the same principle applies to all the care workers.

[Mike Wood]

My constituent, Debra, complained about not being paid the minimum wage in November 2012. It took 30 months before she managed to force HMRC to issue the care company with a notice of underpayment. She was forced to complain to the then Secretary of State for Business, Innovation and Skills and my predecessor, Chris Kelly. HMRC wrote to her in February 2013 to say that it was looking at all the care workers' records, and wrote again following Debra's complaint to the Secretary of State in June 2014 that the other care workers were also owed arrears for non-payment of the minimum wage. Nevertheless, HMRC then issued the notice only for her, as if she was the only worker who had not been paid the national minimum wage.

HMRC's continuous delays have been shocking, and they have been ongoing since Debra's complaint at the end of 2012. HMRC has also been looking at the cases of two other constituents of mine, Alison and Michelle, since at least March 2015, yet we do not seem to be any further forward than we were at this time last year. HMRC continues with what seem to be unnecessary delays and excuses—according to my case notes they appear to be the very same excuses given to Debra.

None of the care workers at the firm were paid for their travel time between calls or if calls ran over the allotted times. The company's own paperwork—the rotas and pay slips—clearly show that they did not pay their care workers for what we would understand to be necessary working time. All the care workers were on the same terms and conditions, so the same position applies equally to all the workers.

Despite HMRC writing to Debra that it had “all workers' records” dating back to February 2014, in a recent telephone call HMRC asked whether my constituents would be prepared to go to an employment tribunal and be cross-examined. That does not seem appropriate given the objectively verified facts. HMRC has not even calculated the arrears that the women appear to be owed. The same tactic had been used previously with Debra. HMRC does not have to mention any employment tribunal; its job is to get the evidence, calculate the arrears and issue a notice of underpayment. Only after the notice is issued can the employer force a tribunal, and an employer has only 28 days to do so following the issuing of such a notice by HMRC. Indeed, until a notice is issued the care company has absolutely nothing to appeal against.

There is clearly something very wrong indeed with how HMRC enforces compliance with the national minimum wage in the care sector. As I said, it has been investigating this care company for nearly four years, yet despite finding that not only Debra but the other care workers are owed minimum wage arrears, it has still issued only the one notice.

That case should be contrasted with HMRC's response to another case, although it goes slightly beyond the narrow confines of the debate. At a manufacturer in my constituency, a genuine clerical error led to the underpayment of four pieceworkers out of a workforce of 240. Over three years, the underpayment totalled just under £600, or 0.005% of the total wage bill. It was clearly a genuine oversight that had not been identified in five external audits.

Despite the fact that that manufacturing company co-operated fully with HMRC—indeed, as soon as it was made aware of the underpayments, it repaid them, along with the penalty, on the next available working day—its response seems to have been very different from what happened with the care company. The manufacturer has been named and shamed and now has to deal with the resulting implications while trying to negotiate a contract with high-street retailers.

HMRC's response has been very inconsistent. In my experience, it is focusing its energy on what might be seen as the easy cases—companies that are genuinely trying to do the right thing but may have made a mistake—while it does very little effectively to enforce the national minimum wage for companies such as the care company I highlighted, which have consistently obstructed and obfuscated and shown total disregard for HMRC and for their legal requirement to pay the national minimum wage. That has to change.

I urge my hon. Friend the Minister to ask HMRC urgently to review its general approach to the enforcement of the national minimum wage. I will also write privately with the details of the two cases to which I referred to ask him to speak to HMRC about what is going on and how we can have a more consistent and equitable approach to ensure that all employers pay the national minimum wage.

2.56 pm

**Matthew Pennycook** (Greenwich and Woolwich) (Lab): It is a pleasure to serve under your chairmanship, Mr Rosindell. I congratulate my hon. Friend the Member for Sheffield Central (Paul Blomfield) on securing this important debate.

My hon. Friends and I are proud that it was a Labour Government who, in the teeth of opposition, legislated for a national minimum wage. That national minimum wage is a right, not an optional privilege. At the moment, anything between 160,000 and 220,000 home care workers are still likely to be paid less than the legal minimum, collectively losing out on nearly £130 million a year, as my hon. Friend said—an average of £815 per worker. That is nothing less than a national scandal, not only because a significant minority of home care workers are being exploited—let us remember that they are low-paid and mostly women, that a growing number of them are migrants, and that they find it very hard to organise collectively because of the irregular and fragmented nature of their work—but because underpayment of the minimum wage on such a scale has a direct impact on the quality and dignity of the care provided to the older and disabled people who rely on that care.

As we have heard, there is a variety of reasons for underpayment of the national minimum wage in the care sector, ranging from hourly rates that are simply below the appropriate minimum wage rate to deductions from pay for unpaid training or business expenses. However, the most ubiquitous reason, in my experience, is that care workers are increasingly paid only for contact time. To be clear, that does not include all the time that many care workers actually spend with each client.

I worked for the Resolution Foundation before I was elected and I did a lot of work on this subject. I spoke to hundreds of home care workers from throughout the country about their experiences. I found that “call clipping”



—where home care workers leave earlier than they might want to, to ensure that they are not working for free—does happen, but most stay for far longer than their contracted time. For many of the people being cared for, the care workers are the only people they see for hours at a time, perhaps for the whole day. Home care workers enjoy and value the work they do and they often stay for far longer than they need to, but the added insult for them is that, as my hon. Friend the Member for Sheffield Central said, they are often not even paid for that contact time.

**Melanie Onn:** Is my hon. Friend aware that when home care workers overstay their allotted time they can be subject to disciplinary procedures for failing to follow their company's rules, which stipulate the limited time they are to spend with each of their clients?

**Matthew Pennycook:** Absolutely—I think that happens quite frequently. The way they are disciplined relates to a point made earlier by my hon. Friend the Member for Sheffield Central. Increasingly, they have to clock in and out, and sophisticated technology is used to monitor the time they are with a client. Yet, on their timesheets and payslips—I have seen many of them and they are incredibly confusing—their employers cannot give them the clear detail of how much they are being paid and whether they are being paid the minimum wage. The law in this area is very clear, and yet we still have hundreds of thousands of workers denied the legal minimum to which they are entitled. So why is that happening? At its root, as my hon. Friend said, is the lack of a sustainable funding settlement for social care, which is the result of successive Governments not doing enough, and we know the 2% precept will do little to address that.

Going forward in the medium term, we need to address the funding gap, which is growing on a yearly basis. Local authorities need to do more to ensure they commission care in such a way as to protect those who deliver it, and the independent care providers who employ the home care workers need to do everything possible to ensure that they meet their statutory obligations. There are good examples in the field, but unfortunately far too many do not meet their obligations. None of that should stand in the way of doing what we and the Government can to end non-compliance in this sector.

A variety of things could be done. To give them credit, some of the steps that the Government have taken have been welcome. For example, fines have increased to 100% of underpayments owed to each worker, up to a maximum of £20,000, and they are set to rise again in April. But the scale of the problem and the small solutions that the Government have proposed are clearly not having the impact that they need to, so more could be done. We could have the six investigations report in a timely manner, and we could do more to name and shame employers. Only 13 small social care providers have been named and shamed so far using the powers introduced in 2014.

We could do more to end the over-reliance on self-reporting and ensure that low levels of arrears are recovered. When an abuse is found, we could investigate the whole workforce at that provider, which currently does not happen. However, even if we did all that, we would still be back here next year or the year after talking about what more needs to be done. The Government must seriously consider amending section 12 of the

National Minimum Wage Act 1998 so that we deal with the problem by proactively forcing employers, putting the onus on them to prove that they are paying their workers the minimum wage to which they are entitled rather than the other way round.

The sector employs 1.5 million people and has the potential to grow by another million in the next decade alone. If our country is to have the care service that it needs and that disabled people need, the Government need to do more—and quickly—in terms of recruiting and retaining staff who care about their job and of ensuring that those workers are not exploited.

3.2 pm

**Marion Fellows** (Motherwell and Wishaw) (SNP): I thank the hon. Member for Sheffield Central (Paul Blomfield) for securing this really important debate.

I looked around the room a moment or two ago and I think I qualify as the oldest person here, so this debate has a particular resonance for me. I am over 60—I will be 67 on 5 May—and I have a vested interest, so I should declare it right away. I am also very glad that, if I do require care at home, I will probably have care at home in Scotland. I do not say that everything in Scotland is perfect or that things could not happen there as well, but in the debate on securing the national minimum wage for the women—it is mainly women—who care at all sorts of levels and for paid home care workers, we are going too cheap for them; we should be looking for the living wage of £8.20 an hour. That requires political will, which I find sadly lacking in this Government. The Scottish Government have that will; they have a Cabinet Secretary for Fair Work, Skills and Training.

We need to pay the people who look after the most vulnerable people in our society a decent wage. If we pay a fair wage, we get fair work. I was a local councillor and I am conscious of the fact that a lot of women were very much underpaid and strived for years to get equal pay with male counterparts. It is still happening in Scotland. As I said, we are not a utopian society, but the Scottish Government have committed to paying the living wage and to giving enough money to local authorities to pay the living wage to people who take part in the health and care partnership. I cannot understand why that cannot be done here in England as well. It requires political will, which is sadly lacking.

Also required is the political will of the Government to hound, harass and do whatever they can via HMRC or any other agency to ensure that employers pay the minimum that is required in this country, and they should be encouraged to pay far more. I do not want to be in a position where—I will personalise it—someone is being paid to care for me and they cut short the time that I require and am entitled to, to rush off and help someone else. It is a sad reflection on society that we treat the most vulnerable in an almost callous way. We should look at it from the other point of view: would you want your parent, mother, sister or brother to be subjected to work from someone who is grossly undervalued and underpaid?

We need to change the entire context of care for the elderly and disabled across the United Kingdom. If we do not, we are building up a time bomb for ourselves and for those we care for most.

**Andrew Rosindell (in the Chair):** There will now be a time limit of three minutes to allow everyone to speak.

3.6 pm

**Melanie Onn (Great Grimsby) (Lab):** It is a pleasure to serve under your chairmanship, Mr Rosindell. I will keep my comments brief. The notion of a kindly small care home no longer exists. The person who lives in your town or village, down your street or in your community, who cycles around and gives care to those who need it, no longer exists. The small companies that we used to know so well and recognise in our communities simply cannot compete with the large corporations.

I came across Mears when I worked with Unison. I speculate that companies such as Mears provide a multitude of public services alongside their own private interests. They can bid at incredibly low levels on a per hour basis. With the downward pressure on local authorities and the amount that they can afford to pay, such corporations are winning the contracts. There is a huge gap between the corporations at the highest level and the domiciliary care that is offered to people both in their homes and in residential care. We must not forget that what is offered is the most intimate and personal care.

The corporations continually try to minimise their costs to such an extent that it falls on staff to subsidise their employment, whether that is through travel time, as has already been mentioned, or the purchase of uniforms, which happens frequently as well. I also know that many care staff have taken to buying biscuits or small treats for the clients they serve because their company had previously provided that as an option, which was something nice for the residents in the afternoon. Such things are now being taken away as margins are squeezed and companies have to answer to their shareholders much more than they have to answer to the people who receive the care or deliver it.

Simple things that mean so much to residents are being taken away. Individuals who give so much of their time and their love to their clients are being put in an impossible position in trying to create a less clinical environment. It is absolutely right to say that the people who work in the sector are mainly women, increasingly migrant workers. Why are the women who do those jobs put at the bottom of the pile when it comes to reward? Is it because there is still that traditional view that it is women continuing their household work in the wider community? If that is the only reason why it is so poorly valued, the Government must address that immediately.

Also, the large companies often do not engage positively with trade unions that wish to raise important issues perfectly legitimately and through the appropriate channels. Those workers deserve proper, full and easy access to independent support through a union, and the employers should take proactive steps to encourage their staff to become members, and support that by recognising the trade unions. Too often, trade unions must fight those corporations to achieve recognition. They cannot even get across the threshold of care homes.

I have worked alongside care workers who dared to put their heads above the parapet and who were representatives for the other workers. It did not do their careers any favours. They have been subjected to spurious disciplinary proceedings, and had their shifts reduced—they have limited-hours and sometimes zero-hours contracts.

They are punished by having their hours reduced so that they do not take home as much money as they should, merely because they have tried to represent their members properly. They have been threatened with having the police called should they dare to gather outside the company's property, which is a shameful way to treat staff who are only trying to improve the working conditions of the people who deliver the care.

3.10 pm

**Barbara Keeley (Worsley and Eccles South) (Lab):** It is a pleasure to speak in the debate with you in the Chair, Mr Rosindell. I congratulate my hon. Friend the Member for Sheffield Central (Paul Blomfield) on securing the debate and on the excellent way in which he opened it.

I want to talk about what I describe as the funding crisis in social care. Many providers are struggling to provide good-quality care—even if they want to, as they should—against the backdrop of years of cuts to local authority budgets for adult social care. The increased costs associated with the national minimum wage and the so-called national living wage are going to place providers under additional financial pressure, and that is of great concern. The Local Government Association has estimated that introducing the so-called national living wage from April will cost at least £330 million for home care and residential care providers. There was no additional funding for that in the Budget. There is a risk that too many providers will become financially non-viable. We do not want care providers to cut staff numbers even more, threatening the quality of care.

The social care precept is not the answer to finding enough funding for what is a Government policy change. My local authority, Salford City Council, needs £2.7 million to pay for the minimum wage increases in our local care sector, but the council can only raise £1.6 million from the social care precept. The Government are not providing funding for their own wage policy. In my area, the people of Salford are finding the money, from their council tax. I am sure that there will be agreement in the Chamber that care workers should be paid the national minimum wage. Care work is a demanding job that requires skilled workers who are compassionate and who provide empathy and good-quality care. It is completely unacceptable that a job that historically has been undervalued is still being exploited today, and that those workers are not being paid the basic wage.

I give credit to Unison for its work interviewing care workers and finding out in detail the constraints on them, such as having to rush between calls and reduce the amount of time spent with individuals who are socially isolated. We are concerned about social isolation among older people, and the fact that there is no time to care. Staff sometimes work from 7 am until very late in the evening, but they have dead time that they do not get paid for; and they do not get paid for travel time. The Cavendish review highlighted the impact of non-payment for travel time on care provision:

“Some low paid Home Care Assistants and support workers will...keep going as long as they feel they are still giving good care. But the advent of zero hours contracts, fee cuts and no payment for travel time”

is really to blame because it

“is making it financially prohibitive for some domiciliary care workers to struggle on.”

The Government agreed that the statutory guidance should require councils to include payment for travel time in provider contracts, but that guidance is clearly not being complied with. There are even examples, in an excellent Unison study, of a home care worker being given 20 minutes to visit an old lady of 102, to help her shower and get dressed, make food, tidy her kitchen, give her medication and put her bins out. That is not enough time to give safe and dignified care. Tackling non-compliance should be a priority. The Government must consider the impact of their policies and act on the chronic underfunding of the care sector that I outlined.

My hon. Friend the Member for Sheffield Central made a number of suggestions about how to improve national minimum wage compliance. We must have monitoring of the commissioning practices of councils; it should be a priority. Employers and commissioners could also publish, or provide employees with, a statement that they comply with the national minimum wage, increasing transparency. As he said, we must improve the protocol for supporting whistleblowers who bravely tell the story of what is happening. It is only when care staff are valued and paid adequately that service users will receive the good-quality, compassionate care they need. As he said, we should be ashamed that we trade on the good will and commitment of our home care workers.

3.14 pm

**Liz McInnes** (Heywood and Middleton) (Lab): It is a pleasure to serve under your chairmanship, Mr Rosindell. I thank my hon. Friend the Member for Sheffield Central (Paul Blomfield) for obtaining the debate. I will try to be brief.

The Labour party recognised the issue with the social care system prior to the last general election. In our 2015 manifesto we promised to end 15-minute visits and introduce year of care budgets, to incentivise better care in the home. We promised to recruit 5,000 new home care workers—an entirely new arm of the NHS—to help to care for those with the greatest needs at home. We promised to tackle workforce exploitation in the care sector, and to ban the use of zero-hours contracts where regular hours were being worked, improving the working lives of carers. However, that was not to be.

Figures show that up to 220,000 home care workers are illegally paid less than the minimum wage. Investigations by HMRC between 2011 and 2015 found that 41% of care providers were guilty of non-compliance. As has been mentioned, the Resolution Foundation has calculated that care workers are collectively cheated of £130 million a year.

3.16 pm

*Sitting suspended for a Division in the House.*

3.28 pm

*On resuming—*

**Liz McInnes**: One major way in which care workers are denied the national minimum wage, which has been referred to throughout this debate, is for the care providers to refuse to pay for travel time between calls. I had never heard of the practice, which my hon. Friend the Member

for Sheffield Central described, of care workers being paid a miserly 12p per hour for travel time. That, to me, sounds more like a cycling rate.

The law states that workers must be paid at least the national minimum wage for travel that is a part of their work and not incidental to it. If someone's work consists of assignments carried out at different places between which they are obliged to travel, the time they take to do so is regarded in law as work time and must be paid accordingly. The National Institute for Health and Care Excellence stated that care providers should ensure that workers have time to do their job without being rushed and without compromising the dignity and wellbeing of the person who uses the services. Not paying for travel time makes that impossible.

The BBC recently reported on a group of home care workers who are Unison members, who are owed up to £2,500 each as a consequence of being paid less than the national minimum wage—again, because they were not paid for travel time. In a recent case, which was settled out of court, a worker was paid £1,250 in compensation for non-payment of travel time.

Furthermore, in summer 2015, HMRC launched a new national minimum wage campaign, which allows employers who have not been paying their workers the national minimum wage to escape punishment. Employers who are guilty of non-compliance can now just notify HMRC of their transgression, declare that they have paid their workers any money owed, and agree to obey the law in future.

That all contradicts the Prime Minister's August 2015 claim that

“the message is clear: underpay your staff, and you will pay the price.”

Such employers are not paying the price. We need a major change in policy if the Government are serious about stamping out that deep-rooted practice and protecting the legal rights of home care workers. The Government should make regulations, as provided for under section 12 of the National Minimum Wage Act 1998, requiring employers to provide their workers with a statement demonstrating compliance with the national minimum wage. The exploitation of care workers must stop; we must ensure that they get the pay to which they are entitled.

3.30 pm

**Christina Rees** (Neath) (Lab): It is a pleasure to serve under your chairmanship, Mr Rosindell. I congratulate my hon. Friend the Member for Sheffield Central (Paul Blomfield) on securing this important debate.

The care industry and, in particular, its workforce play a vital role in our society. The UK has a care sector that is ever growing, which is essential with an ageing population. It is important to ensure that, as people age, they can still live in their own homes for as long as possible. That will not only allow people to enjoy the comforts of home as they spend more time there, but will help to reduce the pressure on the NHS, which we all understand would help enormously.

Where it is not possible for people to remain in their homes, they should be provided with the best care possible in a care home facility that meets the high standards we can expect in our society. To ensure that people are given the opportunity to remain in their home as they

[Christina Rees]

get older, the work of home care workers, who care for the elderly and disabled in their own homes, is vital. That is why it is so shocking that so many home care workers are routinely paid less than the national minimum wage. The absence of the most nominal of payments is condemning huge numbers of home care staff to the contemporary phenomenon of in-work poverty, as well as significantly undermining care standards across the industry.

The direct effect of underpayment is that care workers are plunged into poverty, leading to much higher rates of staff turnover, with a subsequent negative impact on care standards. Too many experienced or skilled care workers are being forced out of the industry simply because they cannot afford to stay. That is unacceptable.

Due to the lack of time, I will move swiftly on and cite an example from my constituency. The Government's lack of concern about care workers not being paid the national minimum wage is in stark contrast to the efforts of the Unison branch at Neath Port Talbot County Borough Council. The union has worked closely with the local authority to ensure that social care has remained a priority, reaffirming that care workers feel appreciated and, most importantly, that they are not being taken for granted.

The care sector in Neath Port Talbot, as in many other places, is a mixed economy, whereby the local authority directly provides around £11 million of services, and commissions about £32 million more from third-party providers from the private and voluntary sectors. Council staff are already paid at the national living wage rate, so in-house services act as a pacemaker for pay and conditions in the local care economy—that is to be commended. Were those in-house services not to exist—so with the absence of a pacemaker—we would be in danger of seeing a race to the bottom on pay and conditions, as third-party providers sought to maximise profit by decreasing resources.

A mixed economy works because the local authority uses its influence responsibly, as a quasi-monopoly purchaser of services, to ensure that workforce contracts do not cause detriment to local communities. A good and topical example is the recent decision by members of Neath Port Talbot Council to meet in full the national living wage for staff employed in private sector residential care homes, from which the council purchases a significant amount of residential care. Neath Port Talbot Council is one of the few local authorities in the UK that has decided to afford the national living wage from the outset—it might even be unique. It is important to point out, however, that the council has not simply gifted the money to residential care providers; it pays to ensure that its high-quality standards are met. If third-party providers fall below the standards, funds are withdrawn.

To conclude, perhaps that model will be adopted by the Government. I look forward to hearing the Minister's response to the proposal.

3.35 pm

**Judith Cummins** (Bradford South) (Lab): It is an honour to serve under your chairmanship, Mr Rosindell. I, too, thank my hon. Friend the Member for Sheffield Central (Paul Blomfield) for securing this important debate.

As has been spelt out in the Budget debates over the past few days, the Tory Government's stated goal is to make work pay, so I will spend a few moments examining their record, given that we are considering the 1.5 million care workers who day in, day out, do noble work caring for our elderly and disabled population.

A March 2014 National Audit Office report found that an astonishing 220,000 home care workers are paid less than the national minimum wage. The main reason that so many care workers fail to receive the national minimum wage is that, despite resounding court judgments declaring this practice illegal, hundreds of thousands of workers are still not paid for the time they spend travelling between visits. They are, disturbingly, only paid for the time that they spend with their clients. That would be unacceptable in any other line of work, but, quite wrongly, it is still common practice in the care industry. As a matter of decency, care companies should meet the amount that Parliament has legislated for as the minimum that workers should receive in their pay packet. Each and every worker should not fear that, at the end of the working week, their employer has short-changed them. The national minimum wage is simply not happening in our care industry, and that is a national scandal.

The Tory Government need to step up and take action to ensure fairness in our care sector. Thankfully, under the national minimum wage legislation brought in under a Labour Government, the Tory Government have inherited the necessary powers to take much needed and long-overdue action. To be specific, under section 12 of the National Minimum Wage Act, care providers as employers can be required to supply a written statement to each care worker, in which they should clearly set out the amount that the worker is being paid, the hours worked, and how that means that the employer is not short-changing them. With that in mind, I ask the Minister to commit to exploring the potential for introducing regulations under section 12.

At present, the work of many hundreds of thousands of care workers simply does not pay. They are still not guaranteed a national minimum wage. They are simply being short-changed, and that scandal must not continue.

3.37 pm

**Kate Osamor** (Edmonton) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Mr Rosindell. I, too, thank my hon. Friend the Member for Sheffield Central (Paul Blomfield) for securing this debate.

In September 2015, I made representations to the Minister on behalf of a social care organisation in my constituency, North London Homecare and Support, which was concerned about its financial capability to accommodate the increase in the national living wage. The Minister, in his response, informed me that the Government were working with the social care sector to consider the overall cost of social care and funding for local government, and that the result would be announced in the spending review. In spite of commitments about further funding, however, the social care sector is still not receiving adequate investment.

According to Local Government Association estimates, the social care precept will raise £372 million, which stands far short of the £2 billion figure suggested by the Government. The majority of that will be used to cover the cost of the transition to the new national living

wage. In addition, although the better care fund is expected to deliver around £1.5 billion by 2019-20, the gap in social care funding is expected to reach £3.5 billion by the end of the Parliament in 2020.

With an ageing population and an NHS under increasing pressure, it is clear that we need the social care sector.

**Mr Jim Cunningham** (Coventry South) (Lab): I thank my hon. Friend for giving way, and I congratulate my hon. Friend the Member for Sheffield Central (Paul Blomfield) on securing the debate. One of the tricks that the Government have pulled is to shove the responsibility for social care on to local authorities. That is not necessarily a bad thing, but what the Government have not done is give them the resources to do it—they have given them about 2%. Three or four years down the road, we will reach a point when the Government come back and want to cap the local authorities, because they are spending too much—that is what the Government will say. We have had all that before. The other thing we should bear in mind is that at the moment local government is badly funded, to say the least.

**Kate Osamor:** I could not agree more. Those points are alarming and worry us all, and that is why we have all come to speak in the debate.

Only a thriving social care sector that is valued and respected will be able to give our NHS the support it needs to provide integrated healthcare solutions. The Minister and the Government must accept their responsibility to support social care through the transition to the national living wage and beyond to 2020. Sustainable, long-term investment is desperately needed.

3.40 pm

**Chris Stephens** (Glasgow South West) (SNP): It is a pleasure to serve under your chairmanship, Mr Rosindell. I refer Members to my entry in the Register of Members' Financial Interests and declare my 20 years of trade union activity for the Glasgow city branch of Unison before my election to Parliament.

There are far too many instances of care home providers who provide services for a profit ignoring or disregarding their legal responsibilities to their staff. It is particularly insidious that those who are paid the least and provide some of the most vital services needed by our society, which we will need more and more as our demographics shift, are being denied even the most basic protections by their employers. In two recent cases, MiHomecare settled a national minimum wage pay claim with one employee for £1,250 and, as we heard from the hon. Member for Neath (Christina Rees), in south Wales Unison colleagues secured backdated wages for 100 workers amounting to up to £2,500 each after it failed to pay workers for time travelling between clients.

A leaked document from MiHomecare sets out exactly how much workers are being short-changed by. Its internal analysis in the wake of an HMRC investigation into its employment practices revealed that 44 workers could have been out of pocket by as much as £2,000 a year each. A Resolution Foundation report estimated that as many as 160,000 care workers are receiving less than the minimum wage simply on the basis of non-payment for travelling time, to say nothing of the myriad other changes to their salary. That amounts to more

than £300 million and, as a sum being withheld from some of the poorest workers in the country, I find that breathtaking.

The closure of HMRC offices across the country concerns me greatly. HMRC's enforcement work is invaluable in taking to task the criminality that sadly some employers believe is justified. The centralisation of services and cutting of jobs will inevitably give the green light to more employers to think that they can flout the law and get away with it.

**Angela Rayner:** As a former Unison activist and comrade, may I thank the hon. Gentleman for the work he has done in the sector? To come back to legality, is it not an absolute shame that many home carers will not be able to seek legal redress because of employment tribunal fees? It is unions such as Unison that enable carers to take cases to employment tribunals, because they pay the fees.

**Chris Stephens:** I agree with my Unison comrade and friend. One barrier to getting back-payments in this sector in particular is that the fees charged are often greater than the wages claimed for. I thank her for making that point.

If the green light is to be given to more employers, they will take that. In Scotland, with only two offices—in Glasgow and Edinburgh—to be retained under the proposals, it is simply not credible to suggest that, despite best efforts, HMRC's minimum wage enforcement can continue at the same level. Given that the workforce in the care sector is female-dominated, it seems that a double whammy is created. We as a society pay women less overall and, even when a legal floor is put in place to stop wages falling below a certain level, many women are victims of their employers' criminality and earn even less. There can be no place in a civilised society for the law-breaking that appears to be happening in areas of the care sector. A civilised Government should do all they can to stamp out that insidious practice.

Other Members have set the scene. As usual I enjoyed the contribution from the hon. Member for Sheffield Central (Paul Blomfield). He rightly said that the sector looks after the most vulnerable. The hon. Member for Ashton-under-Lyne (Angela Rayner) indicated her personal experience and the right hon. Member for Oxford East (Mr Smith) was correct when he said that it is not unreasonable to demand that the national minimum wage is paid.

**Barbara Keeley:** Many practices have been talked about during this debate, but we have not addressed the new practice of paying care staff by the minute—minute rates. I do not know of any other group of people paid and measured by the minute.

**Chris Stephens:** I am not aware of that either, but it is an important point. Bad employers will try such methods. I am concerned to hear about companies that are trying to get around paying the living wage by taking premium payments off staff. That is another important point that this Parliament will need to address.

Mixed messages are coming from the Government in this regard. Ruby McGregor-Smith, the leader of a home care company that the BBC had revealed was not

[Chris Stephens]

paying its home care workers the national minimum wage, was recently elevated to the House of Lords. In August 2015, the Prime Minister commented to *The Times*:

“So to unscrupulous employers who think they can get labour on the cheap, the message is clear: underpay your staff, and you will pay the price.”

Also in the summer of 2015, HMRC launched a national minimum wage campaign that allows employers that have not been paying the national minimum wage to escape punishment. The Government have been saying to companies that HMRC

“will not undertake an enquiry or investigation on your National Minimum Wage records”.

That is a mixed message.

That leaves an over-reliance on workers making complaints to HMRC. As has been revealed during this debate, many care workers fear reporting their employers because reprisals can include dismissal or having their hours cut. As was stated earlier, many home care workers are on zero-hours contracts.

Action needs to be taken. I hope that the Government will give a commitment that where a company is non-compliant, HMRC will extend its investigation to cover that company’s whole workforce. HMRC should publish results regularly, carry out assurance checks in the sector and allow third-party reporting. We have heard from many Members who have spoken so far about the vital role that the trade union movement is playing in the sector. HMRC should maintain records of the number of employees who contact it through the helpline, and there should be a formal protocol for HMRC to ensure that no action is taken against whistleblowers.

Minimum wage rates exist to protect working people and their wages, with a legal floor that stops wages going below a certain level. The insidious practice of not paying the national minimum wage must end, but it can end only if the Government are willing to ensure that compliance with minimum wage rates is monitored rigorously.

3.48 pm

**Yvonne Fovargue** (Makerfield) (Lab): It is a pleasure to serve under your chairmanship, Mr Rosindell. I too congratulate my hon. Friend the Member for Sheffield Central (Paul Blomfield) on securing this debate. I am pleased that so many of my colleagues have come to put forward cases; it is just a pity that there were so few on the Government Benches to listen to the human stories put forward by the hon. Member for Dudley South (Mike Wood).

I would like to start by paying tribute to care workers. They allowed my mum to live in her home at the end of her life, and that gave me the confidence to work here and her the confidence to stay at home. I have to say that in many instances they have the patience of saints. We rely on these people to look after our loved ones, and yet, as we have heard, so many are routinely and illegally still paid less than the minimum wage. I too would like to thank Unison for its briefing and its long campaign to support workers through all means, including legal action.

As the hon. Member for Motherwell and Wishaw (Marion Fellows) said, we all have an interest in this debate, either sooner or later. We heard from my hon. Friend the Member for Heywood and Middleton (Liz McInnes)

that investigations by HMRC of care providers found that 41% were guilty of non-compliance between 2011 and 2015. The Resolution Foundation calculated that care workers are collectively cheated out of £130 million per year due to below-minimum-wage payments. The effect on care workers and those they care for is immeasurable. It plunges care workers into poverty, as was highlighted by my hon. Friend the Member for Neath (Christina Rees). It leads to high staff turnover and therefore a lack of continuity of care, which is so valued by the person being cared for. The care worker is not just a paid employee or a carer; they become a friend.

So how do providers get away with that? It is by not paying for travel time, which encourages call-clipping—leaving a few minutes early to minimise time spent working for free. However, as we heard from my hon. Friend the Member for Greenwich and Woolwich (Matthew Pennycook), many care workers do not do that because they care about the people they are working for. Effectively, they are subsidising our care system.

We heard about how the combination of cuts to council funding and the rise in the minimum wage will increase the problem. The funding is simply insufficient for social care, both now and in the future, as was so eloquently put by my hon. Friends the Members for Worsley and Eccles South (Barbara Keeley) and for Edmonton (Kate Osamor), who have long campaigned on the issue, and I pay tribute to my hon. Friend the Member for Sheffield Central and my right hon. Friend the Member for Oxford East (Mr Smith) for their work on it.

Pressure from my colleagues led to the Government ordering HMRC to carry out an investigation into the six largest care providers. Care providers are businesses, as we heard from my hon. Friend the Member for Great Grimsby (Melanie Onn), who spoke passionately about the large corporations and some of their actions, which are less than compassionate. Despite the Government ordering HMRC to carry out that investigation in February 2015, it has still not been completed. Why is that? When will it be complete?

Just a handful of small care providers—13—have been named and shamed since BIS commenced this policy in 2014. Of those 13 providers, eight were identified as owing arrears to just one care worker. How can that be if care workers are working under the same terms and conditions? Is HMRC extending its investigation to other care workers within the companies? If not, why not? We have heard that that is partly due to the process; HMRC recovers arrears only for the worker who contacted it, and employers are allowed to self-correct and pay back the other workers with minimal oversight. Effectively, they are shamed as bad employers that are not to be trusted, but are then trusted to do the right thing by the employees who they cheated in the first place.

The assurance process on this is minimal. It relies on workers knowing how much they are owed, but, as my hon. Friend the Member for Bradford South (Judith Cummins) rightly highlighted, many care workers are not currently provided with a proper breakdown of all their working time. HMRC also consistently identified a very low level of arrears, with an average of £201 per worker. Should HMRC not be made to carry out assurance checks, publish the results and talk to a wider range of people about this, including the trade unions?

Some may ask why people do not report these abuses. As we have heard, there are low levels of awareness among workers that they should be paid for travel time, as well as a fear of losing jobs, of cuts in hours and of tribunal fees, as my hon. Friend the Member for Ashton-under-Lyne (Angela Rayner) highlighted.

**Mr Andrew Smith:** My hon. Friend is making an excellent speech. As was pointed out earlier in the debate, a high proportion of these workers are migrant workers. With the awful rhetoric directed at them from some sections of our society and political parties, do not those workers feel additionally vulnerable and scared about reporting such things?

**Yvonne Fovargue:** I agree with my right hon. Friend. Many workers in this sector are already exploited, as we heard from my hon. Friend the Member for Great Grimsby. They are women. They are migrant workers. They are people who do not traditionally complain. Another issue is the length of time before the judgment in tribunal cases. In 2014-15, it was on average 74 weeks before a judgment was reached.

Does the Minister feel that a voluntary statement of a national minimum wage is sufficient? In view of the widespread non-compliance, should the national minimum wage not be compulsory in this sector? As we have heard, many care workers do not know the hours they are paid for. Does he agree that we must go beyond the Low Pay Commission's suggestion of simply having a review, and that there should be a requirement for payslips of hourly paid staff to clearly state the hours for which they are paid?

Details on the number of care workers who contact the pay and work rights helpline should be collected, as they were previously. That is vital, because it gives a sense of the levels of awareness about non-payment and the willingness to complain.

Councils' commissioning processes should be monitored as to whether they are insisting that providers pay the minimum wage. Councils also need support to carry out spot inspections of providers' payroll records, which should be clear, and they should carry out regular, anonymous staff surveys, in conjunction with trade unions, to identify any risks of non-payment.

We rely on care workers to look after the most vulnerable, and yet we are allowing them to be exploited and underpaid. They work in one of the most demanding sectors, caring for our loved ones, and they deserve to be looked after by all available means without further delay.

3.56 pm

**The Parliamentary Under-Secretary of State for Life Sciences (George Freeman):** It is a pleasure to serve under your chairmanship, Mr Rosindell. I start by congratulating the hon. Member for Sheffield Central (Paul Blomfield) on bringing this debate to the House. It has been a very helpful opportunity to focus attention on this important area, and it gives me a chance, on behalf of the Government, to make clear our commitment to ensuring that this issue is properly dealt with. I know he is a robust champion of workers in the care sector, and I want to praise him for his work in representing them here today.

I also pay tribute to the right hon. Member for Oxford East (Mr Smith), the hon. Members for Brighton, Pavilion (Caroline Lucas) and for Hampstead and Kilburn (Tulip Siddiq) and others who have taken such an interest in this issue. Opposition Members may be surprised to hear me single out and congratulate Unison and the Resolution Foundation, which have done really good work on behalf of workers in the sector by shining a light on the complex issues and some of the completely unacceptable practices that have gone on for too long.

I take this opportunity to pay tribute to our nation's 1.5 million care workers, who, as hon. Members have said, work tirelessly to provide invaluable support to some of our most vulnerable citizens. Without their support in caring for the frail, the disabled and the elderly, we simply would not be able to cope as a society with the pressures of an ageing population. Hon. Members are right that we must ensure care workers are treated fairly by their employers and receive the money to which they are legally entitled—and that is a priority area for the Government, for this Minister and for the Minister for Skills, my hon. Friend the Member for Grantham and Stamford (Nick Boles), who leads on this within the Department for Business, Innovation and Skills.

Perhaps I could take this moment to make it clear, lest anybody watching the debate is in any doubt, that this generation of Conservatives in government strongly supports the national minimum wage. We are very proud that we have gone further and introduced the national living wage, as well as increasing penalties from £5,000 per employer to £20,000 per employee, which last year saw one investigation lead to a fine of half a million pounds.

We have also increased the budget for compliance by 50% since 2010 and strengthened the naming and shaming provisions. Let me send the strong signal that we will not tolerate non-compliance with the national minimum wage. It applies across all sectors, and the nature of the work that these care workers do, in a fragmented, challenging and geographically difficult sector, is no excuse for non-compliance.

I want to make it clear that any employer who treats the Government's commitment to this space with contempt needs to be very careful. I am very disappointed to see that the Business, Innovation and Skills Committee's request for Mike Ashley from Sports Direct to come and give evidence has not been responded to. Let me take this opportunity to say that contempt for this area of law is not acceptable, and to welcome the recent court case in which Caroline Barlow successfully prosecuted MiHomecare. It led to the court ruling that she and, by implication, others should have been properly paid. I welcome that, and the signal should go out very clearly to businesses, councils and all those who employ the low-paid that they have to abide by their duties under the law.

[MR PHILIP HOLLOBONE *in the Chair*]

**Barbara Keeley:** Most Members here would agree with the Minister about Mike Ashley, I am sure, and would applaud the Chair of the BIS Committee and the Speaker for the way in which they are handling the situation.

[Barbara Keeley]

The key point I want to make is this: although it is good that the Minister is proud of the Government's policy on the minimum wage, does he not think that the Government should have funded that? Is not the key problem the one that I outlined: the 2% precept will only raise £1.6 billion, but my local council will need £2.7 billion just to deal with these pressures? We cannot get to a position in which those in the care sector can pay the minimum wage unless there is funding for it, and that is the Government's responsibility.

**George Freeman:** I will come on to the funding of social care, which is a major issue that we all face as a society and will require some pretty deep thinking over the years ahead. I will also describe the extra money that the Government have put in. Although there is never enough money, we have made this priority very clear.

It may help if I review how we got to be where we are today. In 1999, the national minimum wage came in. It was the first time that legislation had been introduced in the UK to ensure a minimum level of pay for virtually all workers. Its aim is to help as many low-paid workers as possible, end extreme low pay and ensure a level playing field for employers. We are absolutely clear that anyone who is entitled to be paid the national minimum wage or, from 1 April, the national living wage must receive it.

**Melanie Onn:** Will the Minister give way?

**George Freeman:** I will continue, if I may—I am under a tight time limit. The enforcement of the minimum wage is therefore essential to its success and we are committed to cracking down in every sector across the economy on employers who break the minimum wage law. Our approach is simple: through effective national minimum wage enforcement, we are able to support workers and businesses by deterring employers from underpaying their workers and removing the unfair competitive advantage that underpayment could bring.

**Mr Andrew Smith:** Will the Minister give way?

**George Freeman:** I will very briefly, but I am going to run out of time if Members keep intervening.

**Mr Andrew Smith:** Does the Minister not agree that those efforts would be very strongly buttressed if the power were taken under section 12 of the National Minimum Wage Act for mandatory statements showing compliance?

**George Freeman:** I will deal with the right hon. Gentleman's points, with which I have a lot of sympathy, if I am given time to crack on.

Hon. Members have rightly raised the issue of non-compliance with the minimum wage in this sector. I want first to set out the measures that we are putting in place now and that we have put in place already, before touching on some things that we may go on to do in due course. HMRC responds to every complaint made by workers through the ACAS helpline. When a third party

reports suspected non-compliance, HMRC evaluates the report and investigates the employer when there are grounds to do so.

Since HMRC began enforcing the minimum wage in '99, it has identified more than £65 million in arrears. Between April and November 2015, HMRC took action against 557 businesses, clawing back over £8 million for 46,000 workers who had been illegally underpaid. That is already the largest amount of arrears identified in any single year since the national minimum wage was introduced and is possible as a result of the increased investment and extra measures we have put in place to support enforcement.

We are going further. The Prime Minister has committed to a package of measures that are currently being implemented that will build on Government action to date and strengthen the enforcement of the national minimum and living wage. First, we are increasing the enforcement budget from April 2016, demonstrating our ongoing commitment to ensuring that the hardest-working and lowest-paid people receive the pay that they are entitled to. HMRC will also continue to promote compliance with the law and respond when employers have got things wrong.

Secondly, the Government are further increasing the penalties that employers will have to pay when they break the law. From 1 April, the calculation will increase further, to 200% of the arrears that an employer owes. By increasing the penalties for underpayment of the national minimum wage, we intend that employers who would otherwise be tempted to underpay comply with the law and that working people receive the money they are legally due.

Furthermore, under changes being implemented through the Immigration Bill, we are creating a statutory director of labour market enforcement, who will set out a single set of priorities for the enforcement bodies across the spectrum of non-compliance. That should ensure a targeted approach that addresses problems and best helps victims.

Under the Immigration Bill, we are also creating a new type of enforcement order. That labour market enforcement undertaking will be supported by a criminal offence for non-compliance. We want to tackle employers who deliberately, persistently and brazenly commit breaches of labour law and fail to take remedial action. That cannot always be done satisfactorily through the repeated use of existing penalties or offences, which may lead to the continued exploitation of workers.

**Christina Rees:** I am grateful to the Minister for giving way. Will he provide examples of where that happens in the care sector? He is quoting a lot of statistics overall about the national minimum wage and recovery, but they are not specific to the care sector.

**George Freeman:** Perhaps I can come back to the hon. Lady on specific cases—I do not have them to hand. I just want to talk about what we are doing to deal with the issues that have been raised, but she makes an interesting point.

In the care sector, we have a particularly high incidence of workers who have not been paid the national minimum wage in the right way. Other sectors are hairdressing and retail, and there is some dispute about where the



worst practice exists, but the care sector clearly has a major historical problem. That is in part attributable to the fact that many of the more complex rules on calculating working time are prevalent in the sector—for example, the calculation of travel and sleeping time. On those points, although I am sure that Members will appreciate that I cannot comment on individual cases, I want to restate the Government's position: when workers are performing work under their contracts, they must be paid the minimum wage.

It is also worth noting that there is no perfect measure of non-compliance within the sector, and there is a possibility that current estimates of non-compliance overestimate work time and underestimate pay, because the information is reported by workers themselves. That is why we are continuing to work with the Low Pay Commission, the Office for National Statistics and others in order to improve our estimates and better understand the scale of the problem.

On the point that was mentioned by the right hon. Member for Oxford East (Mr Smith) and others, the Low Pay Commission's proposals on transparency merit serious consideration, and we are looking at those and a number of its other recommendations. We are determined to continue to drive forward and send the very clearest signal to companies and employers that we are becoming less tolerant of non-compliance, and we want them to recognise that.

None the less, increasing compliance with the minimum wage in the sector remains a top priority for us and we are taking a number of steps to promote compliance and take stronger action against those who break the law. First, HMRC continues to focus on tackling non-compliance, but that activity is no longer reliant on worker complaints and instead targets employers with the highest risk of non-compliance, based on a range of intelligence and information. HMRC can now analyse information from, for example, other Departments, trade union representatives and the Low Pay Commission, and the evidence indicates that this targeted approach in the care sector is working. From April 2013 to January 2016, HMRC opened 443 cases in the social care sector and closed 308 of those. Of the 308 closed cases, underpayment of the national minimum wage was found in 32% of investigations—for total arrears of £442,000 to 3,000 workers, with penalties issued for a total value of £100,000.

Members have also raised the important issue of affordability within the sector, given the introduction of the national living wage. That pay rise for the lowest paid could be seen to be a threat in terms of increasing non-compliance. That is partly why we are taking steps to signal strongly our commitment to clamp down on it.

With an ageing society, social care funding is a major strategic issue for the country and this Government. We are engaging closely with all the relevant stakeholders on that issue to ensure that councils recognise the need to increase the price that they pay for care in order to cover costs and to reflect rising costs and, not least, the national living wage. That is partly why we are giving local authorities access to an extra £3.5 billion of new support for social care by 2020, to be included in the better care fund. Councils will also be able to introduce a new social care precept, allowing them to increase council tax by 2% above the existing threshold. Taken together,

the new precept and the additional better care fund contribution mean local government has access to the extra funding that it will need to increase social care spending in real terms by the end of this Parliament.

**Barbara Keeley:** I thank the Minister for giving way again, but there is a two-year gap. There is nothing from the better care fund this year, only £100 million next year, and—as I said in giving the example from my local authority—the 2% social care precept only covers about half of what is needed. Nationally as well as locally, that is the problem and that is why the Local Government Association asked the Government to bring forward £700 million.

**George Freeman:** I understand. These things are never straightforward or simple. As the right hon. Member for Oxford East pointed out, a lot of creativity is required from councils and the healthcare sector. There is best practice across the country to ensure that health and care are better integrated. *[Interruption.]* It is all very well for Opposition Members to shake their heads as if this were an easy problem to solve. It is a problem we inherited from the last Government. I am trying to be reasonable in setting out our commitment to deal with it, but it should be remembered that we inherited the problem from the Members who are shaking their heads and suggesting that it is easily solved. I hope that the measures I have set out provide reassurance that we are taking the matter seriously.

Perhaps I may conclude by framing the central elements of the package that we are putting in place. We have toughened up the sanctions and made it easier to name and shame. We have now named 490 employers, raised over £1 million in penalties and recovered over £30 million in unpaid arrears. We are now running at a 94% rate of naming since our revisions to the code in 2013.

Several hon. Members made the point about four-year delays, including my hon. Friend the Member for Dudley South (Mike Wood). I think that that is completely unacceptable. Although we are seeing progress in the speed and rate at which investigations are being pursued, I will talk to the Minister for Skills to make sure the very strongest signal is sent to HMRC saying that we cannot tolerate such delays.

As I have signalled, we are seriously interested in looking at the Low Pay Commission's recommendation on payslip transparency. It is important that employers are held to account and that employees, particularly when it comes to individual elements of time, can see clearly what time they are being paid for.

I want to highlight the fact that the advice available for employees is free and confidential and that we have introduced important measures to ensure that, when HMRC has information from a third party to carry out an investigation, it keeps the complainant's identity confidential and that that should trigger a whole workforce investigation.

I also want to highlight the fact that HMRC offers a free service to any employee who believes they are not being reimbursed properly. HMRC also has powers to enforce the reimbursement of expenses. That gives me the chance to highlight the fact that all expenses properly incurred by care workers in the course of doing their duty, often in a sector that requires them to travel extensively across large areas, should be, must be and the Government expect will be, properly reimbursed.

[George Freeman]

I hope that that helps to set out the Government's real commitment to tackling the issue. I again thank and congratulate the hon. Member for Sheffield Central on raising it and giving me the opportunity on behalf of the Government to set out how strongly we support cracking down on non-compliance.

4.12 pm

**Paul Blomfield:** I congratulate you, Mr Hollobone, on the seamless and unnoticed way in which you assumed the Chair.

I thank all Members for their contributions, which are too numerous to cover in a couple of minutes. They have illuminated the scale of and damage caused by the problem. It is ironic that a sector that is supposed to be about care shows so little duty of care to its employees. To illustrate the cross-party concern, I cite the words of the hon. Member for Dudley South (Mike Wood) that something is very wrong indeed with national minimum wage enforcement in the care sector and that has to change.

I thank the Minister for the constructive way in which he has engaged with the debate and the issues that we have raised. I do not think he covered all the points that a number of us raised. I will write to him and I hope he will have an opportunity to get back to me on those.

I want to follow through on the Minister's suggestion that the Government may take up the issue raised by the Low Pay Commission and Unison and to ask him to indicate—he can do so simply by nodding—that he is willing to meet me, the commission and Unison to discuss how we can move forward with implementation of transparency on payslips.

**George Freeman** *indicated assent.*

**Paul Blomfield:** The Minister is nodding and I am pleased to acknowledge that we will be able to have such a meeting.

*Question put and agreed to.*

*Resolved,*

That this House has considered Government policy on enforcement of the national minimum wage in the care sector.

## Registration of Births

4.15 pm

**Stella Creasy** (Walthamstow) (Lab/Co-op): I beg to move,

That this House has considered the registration of births of children of deceased people.

I am conscious that our debate may be interrupted at any moment by the sound of the Division Bell. I will start, but I presume that the sitting will be suspended for 15 minutes.

I called for this debate following a number of cases that had come to my attention. I want to make a simple request to the Government about freedom. Since I became an MP in 2010, we have had many debates about equality, and many of us were proud to support legislation to enable same-sex marriage, but many equality battles remain, and this is one. It is about bringing legislation on the registration of births into the 21st century.

4.16 pm

*Sitting suspended for Divisions in the House.*

4.35 pm

*On resuming—*

**Stella Creasy:** As I was saying before we were interrupted by high-speed rail, this debate is about equality and freedom, because the law on equality is ultimately about the freedom for people to live their life as they wish. The freedoms we are talking about today are freedoms held in one of the most tragic circumstances possible: a mother losing a loved one just as she is bringing a new life into this world. Today I will talk about the way in which, perhaps inadvertently, our legislation discriminates against people in those circumstances.

**Mrs Madeleine Moon** (Bridgend) (Lab): The freedom that my hon. Friend is referring to exists in Germany and Switzerland, both of which have the sensible rule that parental information is taken when the baby is first introduced to the midwife and maternity system and the father acknowledges paternity. The legal situation is clarified at that point, rather than at the point of the baby's birth.

**Stella Creasy:** My hon. Friend, like me, has such cases in her constituency, hence her concern to get the law right. The legislation does not make sense in the 21st century, and our concern is that it inadvertently discriminates against women. It makes a value judgment about the mothers in question and therefore enshrines an outdated attitude towards women in the process.

I have some examples, and I am grateful that one of the people tragically affected is here with us today. My constituent, Joana, is a young mum from Walthamstow, and she already had one child with her partner, David, when he tragically had a stroke shortly before the birth of their second child, Eira. Having his role in Eira's life recorded was therefore an important part of the grieving process for the family, and doubly important for Eira because it gives her the same rights to David as her sister. Joana has described to me the dehumanising process of trying to get David's role in Eira's life recorded on the birth certificate. She described turning up at the register office only to find that the registrar had no idea what to do, and she then found out that she had to go to

court to prove that David was the father. She had been in a long-term relationship with this man. She shared a mortgage with him, and he had been at the National Childbirth Trust classes. He had been an integral part of the preparations for the birth of their second child. They were clearly in a committed relationship, but alas, the law includes no ability to recognise that and does not give the registrar the ability to record David's part in Eira's life, because of the simple fact that Joana and David were not married.

Joana is not alone. Penny's partner Nathan sadly died two weeks after their son was born. Their son was conceived using IVF, so Nathan was clearly the father. Again, purely because Nathan and Penny had chosen not to marry, they were not able to record Nathan's role in their son's life on the birth certificate. Penny told us:

"Babies don't come from wedding rings."

There is also Rebecca, who already had a child with Mark before he tragically died in a paragliding accident when Rebecca was just 17 weeks pregnant.

All three women faced the same scenario in which their word, and even the basic evidence they could provide for the long-standing, committed relationships they were in with the fathers of their children, was not enough, so they had to go to court. They faced a court fee of £365 and possible further fees for DNA tests to prove that their partner was indeed the father. In fact, in Joana's case, David's father had to come to court. They had to take DNA not just from Eira but from her sister and from a family member to prove that most basic relationship, which was obvious to the outside world.

The situation was very different for Kate, who also lost her partner in tragic circumstances shortly before the birth of their son. Three weeks before he passed away they married in a hospital intensive care unit. The £27 licence meant that not only was she able to register her child's father with no further questions asked—even though, just as in the cases of Joana, Penny and Rebecca, he was not present at the registration process—but she was entitled to a bereavement allowance of £2,000 and an ongoing widowed parent's allowance of £510 a month.

There is a simple question at the heart of this matter. I wanted the debate because as a society we have not yet considered these issues, even though they affect how people live today. In securing the debate, the first thing I wanted to do was put this matter on the Minister's list of things to resolve. The situation still exists only because nobody has really looked at it in the 21st century. Why do we treat Kate differently from Penny, Rebecca and Joana?

I pay tribute to the organisation Widowed & Young, which has been helping equally all four of the women I mentioned. It recognised the iniquities in the existing system. When those women's partners were alive, all four couples were treated equally with regard to taxation. It is only in death that we see the inequality in people's treatment. By having that marriage licence, Kate did not have to go through the indignity of having to try to prove her child's paternity in the way the other three did.

The Births and Deaths Registration Act 1953 is truly from another time. I say for the avoidance of doubt that I think everyone understands that because legal rights come with parenthood, there must be a process for registering children. That process must withstand scrutiny

and nobody, either male or female, should be registered if they are not a parent. But the Act is designed to protect fathers from having an illegitimate child registered. I would caution that the term "illegitimate" in itself speaks volumes of the 1950s, not the 21st century in which we live.

The existing law requires the courts to verify parentage when the parents are not married, as if marriage in and of itself verifies the truthfulness of what a woman says. There is, though, already a process in place for a birth certificate to be amended to add a name. We already recognise that it is right for a registrar to have the discretion to amend a certificate in certain circumstances—they can use their professional judgment and respond to the person in front of them—without requiring people to go to court, which can cost families thousands of pounds at the most tragic of times.

We do not, though, have the ability to correct an absence. There is no way to allow a registrar to look at the evidence that Joana could have so easily presented, at the time, of the sincere and committed relationship she was in with David, and to act accordingly. At the most difficult and sensitive time for a family, the law stands firm. It does not see the lives that people had, but simply makes the judgment that they were not married. We must change that. Turning up with a father is in itself no guarantee that he is the father, just as turning up without him does not mean that he can be verified by DNA testing alone.

Will the Minister consider ending the inequality and making sure that this part of the law does not judge those who choose not to marry, just as we seek to support those who do choose to marry? In not giving registrars the same power to correct an absence as to make an addition, we persist with the inequality of saying that some women will lie and that marriage is what makes them truthful. Why treat women who choose not to marry as somehow untrustworthy? Why not enable registrars to seek evidence, act and use their professional judgment? We are seeking a small change in the law, but it would be a big injustice for the families if we did not drag the legislation into the 21st century.

I appreciate that this might be the first time the Minister has considered the matter. As my hon. Friend the Member for Bridgend (Mrs Moon) pointed out, there are different processes in place in other countries. We want the Government to commit to looking at how they can make a change happen, and to recognise that this is an injustice that needs resolution. It is now too late for Joana—she has managed to record David's role in Eira's life through other means—but we know that many more families out there are suffering the same experience and hope the Government will act accordingly.

4.44 pm

**The Parliamentary Under-Secretary of State for Women and Equalities and Family Justice (Caroline Dinenage):** It is a great pleasure to serve under your chairmanship, Mr Hollobone. I congratulate the hon. Member for Walthamstow (Stella Creasy) on securing this important debate on such a vital issue.

We are here because of the tragic death of the hon. Lady's constituent, David. At the outset, I pay tribute to him, to his partner, Joana, and to all the other women she mentioned—Penny, Rebecca and Kate. Joana and the others have shown incredible bravery in utterly

[*Caroline Dinenage*]

devastating circumstances. I was deeply moved when I read Joana's account of her family's experience. I acknowledge the courage and determination she has shown by speaking out publicly on this issue. It cannot have been easy for her.

The hon. Lady makes a compelling case for addressing the issue at hand, which is the lengthy and complex process that Joana had to undertake to put the name of her baby's father on her birth certificate after he tragically and unexpectedly died before the child was born. Of course, nothing can undo the devastation of these terrible circumstances, but recognising a deceased father on a birth certificate is an important step in honouring their memory.

I understand utterly the sense of frustration when the system appears to make things very difficult. It has been very valuable to listen to the points that the hon. Lady has made today, all of which I have taken on board. I hope that I can explain how the law operates and why, and how the law, the courts and the registration process provide for the recognition of fathers in such tragic circumstances, but I will also consider all the suggestions that the hon. Lady has made.

Moving away from the specific details of this case, I will lay out the general position on parentage. The two key principles in English law in this regard are the "presumption of legitimacy", which assumes that a child born to a married woman is the child of her husband, and genetic fatherhood, whereby evidence can be used where necessary to prove paternity.

The law presumes that a married man is the father of his wife's child, so his registration as the child's father is automatic. The law does not give the same recognition to unmarried fathers, because currently there is not any legal framework that presumes their paternity. In ordinary circumstances, an unmarried father will consent to his registration as the father of the child and usually he will attend the registration of the child's birth with the mother, but the registrar can also recognise the father's entitlement to be registered if he has a parental responsibility agreement, a parental responsibility order or another suitable form of court order. However, where that is not possible, in tragic cases such as that of Joana, the law provides an alternative way for a deceased father to be recognised as a child's father, and then to be recognised through the birth registration process.

The Family Law Act 1986 allows a court to make a declaration of parentage, and anyone can apply for a declaration to the High Court or the family court, and the final order of the court will be a declaration that a person named in the application was the parent of the child. The Registrar General is then responsible for authorising the re-registration of the birth to include the name of the deceased father, under the Births and Deaths Registration Act 1953. This process should not be lengthy or expensive, but unfortunately that does not appear to have been the experience of the hon. Lady's constituent.

The hon. Lady rightly points out the necessary provision to prevent birth registration from naming someone falsely as a child's father, because obviously a birth certificate could potentially be used to support a false claim for something such as nationality or the right to

inherit property. Consequently, it is really important that a birth certificate generates a high level of confidence in the information that it contains.

However, a key intention of the provisions for family proceedings was to try to make the process simpler, so that people would not need legal representation, which should keep the costs down. The application form for a declaration of parentage explains all the information that is required and contains directions that enable the application to be completed successfully. However, in light of the experiences I have heard about today, I am very happy to look at the information available to people registering births and to consult with the General Register Office to see whether this process needs to be improved to make the position clearer for applicants, especially those unfortunate enough to have experienced the death of a partner shortly before the birth of a child.

In addition, I know that one of my ministerial colleagues in the Home Office is already looking at the registration process for marriage and I am more than happy to have a conversation with him to request that the registration of births is also covered. I will particularly ask that international examples are looked at to see whether they can be taken into consideration.

**Stella Creasy:** I thank the Minister for her comments. Nobody is suggesting that we do not need a robust process for registering births. However, what troubles me particularly in this instance is the difference between a registrar taking on that role and seeking a court intervention. She and I may differ on whether the cost of the court fees is excessive, but the principle that the court has to be involved at all is the challenge, especially when we allow registrars to amend a birth certificate. It is registering a name in the first place that is the challenge when the father is deceased and the parents are not married.

Will the Minister commit to examining why we presume a registrar can exercise their professional judgment to amend a registration when perhaps even married people might not have given the whole truth at the point of registering a birth, but, when it comes to adding the name of a person who cannot be there for a very reasonable reason—because they have passed away—we deny the registrar's professional expertise? The simple resolution would be to extend the use of that professional expertise to both instances, rather than saying that only the courts can add a name, but that a registrar can amend a name.

**Caroline Dinenage:** Yes, as I have said, I will consider that, and also discuss it with my counterpart in the Home Office, who is already considering registrations of marriages, to see whether that scrutiny can be extended to registration of births as well, particularly in cases of this kind. I would like, in conclusion, to express my sympathy to Joana, who had such a terrible experience following the loss of her partner, and to her daughters, on the loss of their dad.

**Stella Creasy:** For clarity, may we have a timetable for the scrutiny of marriage licences, and for consideration of extending the registrars' powers to add a name? Now that we have opened up the matter in debate, we know that several families are in the same position, and they would welcome clarity about when they will get answers.

**Caroline Dinenage:** Yes, that consideration is happening in the Home Office. As the hon. Lady will know, I am a Minister in the Ministry of Justice so I do not know the timetable, but I am more than happy to get back to her with that information as soon as I have it.

*Question put and agreed to.*

## Hong Kong: Sino-British Joint Declaration

4.52 pm

**Richard Graham** (Gloucester) (Con): I beg to move,

That this House has considered Hong Kong and the Sino-British Joint Declaration.

It is a pleasure to serve under your chairmanship, Mr Hollobone. Today is exactly the right moment for the House to consider this important issue. The debate is prompted by the most recent six-monthly report from the Foreign Office on Hong Kong, the 38th in a series of reports written every six months on the implementation of the 1984 joint declaration. One thing that I have been proud to introduce to the House since I became chairman of the all-party group on China is the fact that our group debates the reports and brings them to the House for debate, so that they are not just written, filed and forgotten. Every six months, members who are interested have the chance to discuss the reports and to express to the people of Hong Kong the objective British view on the maintenance of the joint declaration.

Today's debate clashes, alas, with a number of other events in the House, as is often the way, and a large number of Members who said that they wanted to come and participate have unfortunately been unable to do so. However, I would not want anyone watching or listening to the debate, or reading the *Hansard* record later, to be confused by that and to think that there is little interest in the joint declaration or in the present and future of Hong Kong. It is a territory of huge significance to us and to China—and most importantly, of course, to its residents. It is therefore right that we should go through the exercise of reviewing what has happened, what changes there have been and whether they are broadly positive or negative.

The latest six-monthly report, which came out on 11 February, is, as so often with Foreign Office documents, a model of precision. It covers a wide range of subjects and is often as interesting for what it does not say as what it does say. I want to highlight first the overall themes of the report, secondly the areas of concern that it highlights, and thirdly the wider issue of the rule of law. The report deals with that final point in some detail, and it is what we should concern ourselves with today.

First, I want to talk about the overall tone of the report. It concludes that during the second half of 2015, the programme of one country, two systems, which the joint declaration committed itself to,

“has, in very many areas, continued to function well”,

but that there are specific grounds for serious concern, which

“revolve...around the rights and freedoms guaranteed by the Joint Declaration, including academic freedom and the freedom of the press.”

The overall theme that the constitutional arrangement of one country, two systems has served Hong Kong well is repeated in the Foreign Secretary's foreword to the report. He says that the constitutional arrangement continued to function well during the reporting period, but that there are areas of concern where we should reinforce the responsibilities on both our countries set

[Richard Graham]

out in the joint declaration. I will come back to the Foreign Secretary's specific remarks on the case of Lee Po, a British citizen.

At this stage, I simply highlight the comments with which the Foreign Secretary finishes the foreword, which relate to the wider constitutional issue. He observes:

"The UK Government judges that constitutional reform will help, not hinder, the Hong Kong SAR Government...A more democratic and accountable system of government would help strengthen those rights and freedoms which have come under increasing pressure over the past two years...We encourage all parties to play their part in rebuilding constructive dialogue".

That has to be right, because it is in our interests and those of China, Hong Kong and the wider world that Hong Kong continues to thrive and be the success that it has been in the almost 20 years since handover in 1997.

I come on to the areas of concern that have been highlighted during and since the second half of last year. I will first focus on the broader attitude to the rule of law and the separation of powers. I note from the report that on 12 September, the Central Government Liaison Office director, Zhang Xiaoming, argued in a speech

"that the existence of the executive, legislature and judiciary did not mean the separation of powers could be applied to Hong Kong in its entirety...he described the Chief Executive's special legal position as 'transcending' the executive, legislature and judiciary."

That statement is incompatible with the fundamental freedoms guaranteed under the one country, two systems philosophy that underpins the joint declaration. I would be interested to hear the Minister's comments on that speech by Zhang Xiaoming, which in many ways appeared to suggest that the Chief Executive can control the executive, legislature and judiciary with overweening powers.

The Chinese response to the six-monthly report again accused Her Majesty's Government of interfering in Hong Kong affairs. That has always been a difficult and sensitive area, and we have to address it with a sensitivity that recognises that the sovereignty of Hong Kong lies entirely with the People's Republic of China. As the Government have been accused of interfering in Hong Kong affairs, I think it is worth recapping the importance of British interest in Hong Kong. That is partly a commercial interest, as has often been noted, with more than 630 UK companies based in Hong Kong and UK investment there conservatively valued at about £35 billion, which makes up just over a third of the total UK investment in Asia.

However, our interest in Hong Kong is not simply the interest of a mercantile nation. It stretches much wider, starting with the human involvement—the fact that 3.7 million British passport holders live in Hong Kong—and continuing with the strong education links. The UK was the top overseas English-speaking study destination for Hong Kong higher education students in 2014-15, the last date for which we have complete data, and that has been the case for a long time.

British companies based in Hong Kong are not there simply to do business with Hong Kong itself, although that is often important. They often have headquarters in Hong Kong but use it as a gateway into China. Some 126 UK companies have regional headquarters and

220 have regional offices there. It has been a frustration of mine for many years that it is impossible to quantify accurately British trade with and investment in China, precisely because so much of it is routed through Hong Kong and therefore appears in the trade statistics as being of Hong Kong origin. The total two-way goods trade between the UK and mainland China, routed through Hong Kong, as far as we can estimate it, was valued at just over £5 billion at the last count in 2014-15.

Our stake in Hong Kong is wide. It starts with a very large number of British citizens—British passport holders and British overseas passport holders. It continues through education and an important trading and business relationship, which is important not just to us and to Hong Kong, but to China. The success of the British business relationship in Hong Kong underpins the fact that the freedoms established through the joint declaration are still there. They are succeeding, and they provide the core of the reasons why British firms enjoy doing business with Hong Kong. Were that ever to be damaged, it would not only be British trade and investment that would suffer from the change in Hong Kong's reputation; investment and trade with a wide range of other countries, which underpins Hong Kong's success, would also suffer. That investment and trade is critical to China as proof of the success of the joint declaration and the handover of Hong Kong, and of the fact that one country, two systems can thrive and offers precedents for its diplomacy in other parts of the world.

On the accusation of interference in Hong Kong affairs, I suggest that the rule of law—the absolute conviction that the judiciary in Hong Kong is independent, will make independent decisions and will not favour businesses of one type over others, other than through the process of a legal case—is absolutely essential to the success of Hong Kong and, ultimately, to the success of China itself. I hope the Minister will comment on that. It is therefore no surprise that when President Xi Jinping ascended to the chairmanship of the Chinese Communist party, his opening speech highlighted both the challenge of the dangers of corruption, and the opportunity to strengthen the rule of law in China. He said that he was committed to that, and that it was at the heart of his mission in the leadership of that great country.

It would be curious to hold this debate and discuss the six-monthly report on Hong Kong without making reference to what the Foreign Secretary described as "a serious breach of the Sino-British joint declaration", which

"undermines the principle of 'One Country, Two Systems,' which assures Hong Kong residents of the protection of the Hong Kong legal system."

I refer, of course, to the unexplained disappearance of five individuals associated with a Hong Kong bookstore and, in particular, the disappearance of Mr Lee Po from Hong Kong to mainland China.

None of us in this House has access to the true facts behind that curious situation, other than what we have read in the newspapers, what the Foreign Secretary said in a meeting with the Chinese Foreign Minister and the subsequent statements from the Foreign Office and the Chinese Government. An interview with Mr Lee Po, of which I have seen a translation, was shown on Chinese television. It suggests that he no longer wishes to be a British citizen and has renounced his citizenship—although clearly not in accordance with the rules for doing so.

Today is an opportunity for the Minister to brief the House on the latest situation and on whether he believes that the disappearance of Mr Lee Po, who has now reappeared in Guangdong, constitutes a serious breach of the joint declaration. What reaction has there been in discussions between the Foreign Secretary and the Chinese ambassador, my friend Mr Liu Xiaoming, here in London, and in other meetings in China and Hong Kong? Will he clarify the situation and explain how it will be resolved? Ultimately, it is about whether the freedoms that have been guaranteed are for real, and about the perception of whether China is adhering to those freedoms in Hong Kong. It is about whether this is a one-off incident that will not recur or the beginning of a seriously disturbing trend.

The most poignant thing, in a way, is how the people of Hong Kong have reacted to that issue. I received an email only an hour or so ago from a young resident of London who is a student here but is from Hong Kong. She expressed her own particular concerns. The long and the short of her email is that she has serious concerns about the future of Hong Kong and feels that the freedoms guaranteed under the joint declaration are being eroded. She wrote:

“As a Hong Kong citizen, I am concerned about the future of Hong Kong. And maybe you have heard...that the freedom and democracy in Hong Kong is deteriorating under the rule of Chinese government.”

She says that personally, she thinks that China

“have been violating the Joint Declaration and never kept their promises.”

That expression of concern is by no means unusual. There have been other letters and emails from Hong Kong citizens, resident either here in London or in Hong Kong itself. They are the future of Hong Kong. It is the young people who, with their energies, resources and commitment, will determine whether Hong Kong continues to thrive as one of the greatest examples in the modern world of a free marketplace enjoying growth and opportunity for all of its people, or whether their concerns will lead to a rather different situation—a sad, continual decline in Hong Kong’s importance. None of us wants to see that.

I am conscious that at least a couple of other Members wish to speak, so I will move on from the individual case of Mr Lee Po and touch briefly on the wider issue of the rule of law.

The rule of law in China, one of the two main driving points of Mr Xi Jinping’s leadership, has now been raised in other contexts as well as that of Hong Kong. I refer in particular to issues in the South China sea, where last October an arbitral tribunal under the United Nations convention on the law of the sea ruled that it had jurisdiction to consider the Philippines’ claim in its maritime dispute with China. I believe there will be a ruling from the tribunal soon; the Minister might want to comment on that. If there is, the reactions of all those involved will be important. Whatever the decision is, we will get a clear idea of the reactions of the Philippines, China and the United Kingdom. That will be a symbolic signpost of whether China is going to take forward the rule of law not just in the People’s Republic itself, but in a wider context and in how she engages with the world at large. China is one of the great nations of our time; of that there can be no doubt. Her aspirations and ambitions are considerable, and many of them are hugely positive things that can lead to

the development of better standards of living in parts of the world, as she has enjoyed herself through the reforms of the past 35 years.

However, there are also dangers in China’s ambitions, particularly in the South China sea, where there is a risk of rising tensions over rival claims. China and other nations are strengthening their military capabilities and increasingly having clashes that could spiral out of control. We have seen another of those clashes in the past few days, this time on the edge of Borneo, or Kalimantan, involving the Indonesian Government. I believe the Indonesian Minister of Marine Affairs and Fisheries intends to launch a legal case against China. From Britain’s point of view, the escalation of such disagreements and China’s recent large-scale reclamation activity—it has even sited missiles on Woody Island in the Paracels—pose a serious risk of escalations that could cause greater problems. The United Kingdom would not wish to see that at all.

Will the Minister comment on the rule of law outside China’s own sovereignty and on her relationships with other nations in the South China sea? Will he also comment on how we in Britain—particularly the Government—can play a constructive role in helping with the peaceful settlement of all claims in line with international law? “In line with international law” is the part that matters.

The Minister commented recently that how China responds will be seen as a signal of its commitment to the rules-based international system. My friends in the Chinese embassy and the Chinese Government will not necessarily welcome this, but I believe that over the next five, 10, 20 years, the way in which China engages with the world, and whether it adopts rules-based international law as the starting point for its engagement with the wider world and its commercial and cultural advantages, will be the measure by which the world judges its advancement into being one of the handful of greatest nations.

In summary, today we have reviewed the most recent six-monthly report on Hong Kong, which confirms that in many ways the joint declaration continues, and that many, if not most, of the freedoms set out in it are in good shape and are being endorsed and carried out by all parties. There are, however, serious concerns to do with the rule of law, brought alive most vividly by the possible abduction of a British citizen from Hong Kong to China. The exercise of the rule of law in a wider, international context may indicate further problems with China’s adherence to a rules-based system. The House is absolutely entitled to discuss that, not least because of this country’s significant investment in and commitment to the future of Hong Kong.

China is our friend; we are in a partnership with it in a large number of fields. I am proud to be the chairman of such a large all-party group on China, with almost 400 members—

5.16 pm

*Sitting suspended for a Division in the House.*

5.26 pm

*On resuming—*

**Mr Philip Hollobone (in the Chair):** When we were so rudely interrupted, the hon. Member for Gloucester was still on his feet.

**Richard Graham:** Thank you, Mr Hollobone. You are correct, I was still on my feet, but I was moving swiftly to the climax of my contribution.

I was highlighting the huge steps that the People's Republic of China has made in so many ways. Today, its partnership with us extends across a wide variety of sectors, areas and countries throughout the world. One example of a field in which China's advances are important, particularly to British business, is intellectual property rights, which are now better protected in China than in many other countries in the world, not least because it has an interest in intellectual property rights for its own significant intellectual property.

We all want to be reassured that, as China engages in a partnership with us that extends into areas previously considered sensitive by many countries—for instance, nuclear power—the rule of law, sticking to agreements and standing by what has been signed and agreed to will be a cornerstone of the People's Republic now and in future. I hope that the Minister will touch on that reassurance, and that he will address the concerns about a specific breach of the joint declaration—the first, let it be said, since the handover in 1997—and about China's engagement with the rule of law as it applies internationally.

I am grateful for your forbearance, Mr Hollobone. I hope that Members from other parties will express their views on the latest Foreign Office report and on the importance of keeping to the freedoms and rights established under the one country, two systems philosophy, and that the Minister will shed light on his latest understanding of events.

**Several hon. Members** *rose*—

**Mr Philip Hollobone (in the Chair):** The debate can now run to 6.14 pm. The recommended Front-Bencher speaking limits are five minutes for the Scottish National party, five minutes for Her Majesty's Opposition and 10 minutes for the Minister. Those are recommendations. In addition, one prominent Back Bencher has caught my eye—I call Jim Shannon.

5.28 pm

**Jim Shannon** (Strangford) (DUP): Thank you for calling me, Mr Hollobone. It is a pleasure to be able to speak on this issue. I congratulate the hon. Member for Gloucester (Richard Graham) on setting a good scene and one that I agree with—I suspect that we will have consensus.

I was just saying to the Opposition spokesperson, the hon. Member for Hornsey and Wood Green (Catherine West), that it is Groundhog Day this afternoon, with almost the same players—perhaps fewer in number—and the Minister in his place as well. I do not say this lightly, but the Minister was most responsive in the Burma debate this morning. I appreciated his comments; I think we all did. The shadow Minister, too, made a valuable contribution to that debate. It was good to have consensus.

Here we are now, all back to look at a different subject, and one that is close to my heart. Why is it close to my heart? Some of my constituents came to stay in Northern Ireland from Hong Kong. They did not go home again, but have contacts through relatives and families and business connections even today, so I thought

I should make a contribution. I was not sure whether I could fit in with the timing, but we have made sure that I could do so.

Although Hong Kong was handed over almost two decades ago, tensions and Chinese intrusion remain rife. The hon. Member for Gloucester outlined that and I think other Members will do the same. The issue is more about finding solutions, co-operating better, having a better understanding of each other and how to move forward before 2047. Despite the handover, there will always be a paternal connection between us here in the home nations of the United Kingdom of Great Britain and Northern Ireland and the citizens of Hong Kong and the British expats who are living out there, some of whom we know and some of whom we have direct contact with.

We have a tremendous sense of shared history and a shared way of life. In many ways, the Britishness we have here is still apparent in Hong Kong. Those characteristics and personality traits are real. We have a remarkably similar system and our aspiration and drive have helped Hong Kong and the United Kingdom, in stark contrast with the socialist system in the People's Republic of China. The issue is how we retain that for the next number of years and how we make sure that Hong Kong can develop as we want it to develop, with our relationship remaining the same, and China understanding the line in the sand that it cannot go over.

The Sino-British joint declaration paved the way for Hong Kong's bid to be recognised as a sovereign entity by the United Nations in 2047 as part of the unchanged status for five decades from 1997. That was agreed to by all parties and it is worrying to see continuous Chinese intrusion into Hong Kong's affairs and the consequent tensions and unease.

Over the years, we in Northern Ireland have built up strong relations with the People's Republic of China. We see things that we can work together on. That is how it should be. We have business contacts, economic contacts, educational contacts and student exchanges. Other Members will probably confirm that that is happening in other UK regions, but in Northern Ireland our Minister and the Department of Enterprise, Training and Investment have strengthened those relations and we want that to continue.

Hong Kong was supposed to have a democratic Government and an independent constitution, but instead we have seen mass protests and, in response to that, disturbingly expansive infringements of civil liberties. Last year, as part of the all-party armed forces group, I attended the Royal College of Defence Studies. The people there were in their third and final year of the course. A Hong Kong police chief was involved and he told me—it was a year ago, of course—that there were 3,000-plus protests on the streets of Hong Kong every year and that they were always peaceful. I wish we could say that the last years have been peaceful, but they have not been. There have been clear infringements of civil liberties. In his introduction, the hon. Member for Gloucester referred to the bookkeeper and shop owner who was arrested and we must be mindful of the breach of his civil liberties, his rights and his physical liberty, which China has ignored.



The protests had some undesirable elements, as every mass protest does, but the protestors must be commended because for a movement with such numbers and such spread the discipline was fantastic and the resulting pressure on Beijing can only be a good thing. We have had perhaps more than our share of protests on the streets in Northern Ireland—I sometimes took part—and they had the potential to get out of control, but the protests in Hong Kong have only been good.

Suspicion is the key feeling among those in Hong Kong. The Sino-British joint declaration paved the way for Hong Kong to be recognised as a sovereign entity, but instead, we see over-coercive tactics employed by Hong Kong's law enforcement officials, while the Chinese mainland authorities pull the puppet strings. We have to express some concern at that and ask China to draw back and keep to the law on the Sino-British joint declaration.

Publishers disappearing is not my idea of advancement; it never can be. In relative terms, there are far greater sins in the world, but that is not what we signed up for or agreed to. We, the British, are pulling our weight when it comes to the future of Hong Kong. The Minister, I am sure, will confirm that. It is time for Beijing to get a reality check and realise that the resolve and determination of the Hong Kong people is one that it cannot beat or break.

In 1993, China's chief negotiator on Hong Kong, Lu Ping, had the following to say:

"The method of universal suffrage should be reported to China's Parliament for the record, whereas the central government's agreement is not necessary. How Hong Kong develops its democracy is completely within the sphere of the autonomy of Hong Kong. The central government will not interfere."

Those are the words he used in 1993, but here we are in 2016. Given the experiences in 2015, things are not exactly as he envisaged. Indeed, they have changed.

What has changed? We are 20 years into the declaration's 50-year period. Surely Beijing should be moving forward and away from its shameful authoritarian past, not moving backward and seeking to impose its undemocratic and oppressive regime upon what is clearly an independent and notably different people. Let us recognise, as I am sure we will, the independence of the people of Hong Kong, their characteristics, their personalities and their culture.

Under the Chinese Government's one China, two systems principle, Hong Kong and Macau should continue to possess their own Governments, multi-party legislatures, legal systems, police forces, monetary systems, customs territory, immigration policies, national sports teams, official languages, postal systems and academic and educational systems. They should have all those things, but do they? Is China adhering to the law on that?

To conclude, China is committed in law to affording at least this 50-year period of autonomy to Hong Kong, but I believe that it is renegeing on some of its commitments. We need to pressure China at home and abroad to give the Hong Kong people the dignity of self-determination. It is our duty in this House to speak out for those who need help, as the hon. Gentleman said, as other Members will say in this House and as the shadow Minister will say. I look forward to the Minister's response.

5.38 pm

**Patrick Grady** (Glasgow North) (SNP): It is a pleasure to serve under your chairmanship, Mr Hollobone. As I rise, I see on the green screens that the House is moving to Third Reading of the Scotland Bill; much as that tempts me to reflect upon the end of empire and last remaining colonial outposts, I shall contain the contents of my speech to the UK's relationship with Hong Kong. I congratulate the hon. Member for Gloucester (Richard Graham) on securing this debate and recognise his deep and long-standing commitment to this issue. He has considerably greater experience than me, and I will not speak with anything like the authority he has today.

The hon. Member for Strangford (Jim Shannon) said we are having a bit of a re-run of the cast of characters who were here this morning for the Burma debate. Front-Bench Members and, indeed, the hon. Gentleman and the Minister's Parliamentary Private Secretary will have heard me reflect on how I grew up hearing about the struggle of Aung San Suu Kyi and the fate of Hong Kong being a very live issue throughout the early days of my life. I do not quite remember the agreement itself being signed, but I definitely remember the deadline coming into force. It seemed like an incredibly long period in the future—some dim, far-off time in 1997—but of course more time has passed since then than between the declaration being signed and the handover taking place. It was remarkable that that agreement was made and the handover was secured with a reasonable and peaceful transition. Now a system for monitoring the success of that agreement exists in the Foreign and Commonwealth Office's regular reports.

I want to touch briefly on three key themes: the importance of co-operation and mutual respect between the two parties to the declaration; the grounds on which engagement ought to take place, which are particularly with respect to human rights and the rule of law; and the message we want to put across when we are engaging, which is that human rights and equality in society are a fundamental part of achieving greater equality and economic growth, particularly in China. The ongoing commitment to work together to achieve the principles of the Sino-British declaration in a way that benefits all parties is vital and the scrutiny process is important in that.

We have heard a lot about the report's detail, which is important to recognise, particularly when looking at the continuing progress made towards universal suffrage, but we must recognise that there is always more to do. I echo the concerns expressed about the disappearance of the individuals associated with the book store and in particular the situation that faces Mr Lee Po. Like the other Members, I hope we will hear an update from the Minister.

One of the guiding principles for engagement with China has to be around human rights and the rule of law. Last year, the First Minister of Scotland visited China and emphasised that upholding and respecting human rights in conjunction with economic growth is a twin track towards empowering people and lifting them out of poverty. Undoubtedly our countries can learn a lot from each other. We know that China is a key exporter that contributes more than £100 million a year to the Scottish economy through tourism, but economic growth and equality must be two sides of the same coin, so I stress the importance of people working together to

[Patrick Grady]

tackle poverty and further the cause of women's rights and equality in particular as well as human rights more broadly.

When the First Minister visited China, she made a point of raising human rights and stressing equality. I hope the UK Government will be prepared to follow that lead. Questions have been asked about whether the opportunities when the Chancellor visited China in September and when the Chinese President met with the Prime Minister here in October were fully utilised to stress the human rights agenda and the actions we discussed today. The situation in Hong Kong is a key manifestation of that. Many such concerns have been expressed by the Foreign Affairs Committee over the years, particularly when the hon. Member for Gloucester has been involved. I hope that the UK Government will continue to stress their commitment to human rights and work for the promotion of democracy in Hong Kong and across the whole of China.

5.43 pm

**Catherine West** (Hornsey and Wood Green) (Lab): It is a pleasure to serve under your chairmanship, Mr Hollobone. I extend my congratulations to the hon. Member for Gloucester (Richard Graham) on securing the debate. Indeed, I recognise his record of being critical of China as regards Hong Kong and his recent intervention in the House on the case of Mr Lee Po, shortly after his disappearance.

When we balance the relationship with China, our great partner, we must recognise the importance of putting on record what we hold dear about human rights, equality and freedom. That is not always easy, but it is important to uphold. I am sure that hon. Members recognise the continued importance of Hong Kong to the UK. Our shared history, the development of economic ties and the fact that more than 3 million British citizens are currently resident in Hong Kong mean that the UK will continue to have a very special relationship with this special administrative region. With more than 600 UK businesses registered there, an export market worth £8.6 billion and a UK investment stake of more than £33 billion, the signs are clear that trade is healthy.

I will focus on two specific areas, both relating to the key issue of stability. The one country, two systems framework is crucial in underpinning confidence in Hong Kong—in the place of Hong Kong, which we all love. We all want reassurance that there is a robust and structured judicial framework and that the rule of law is upheld. The hon. Member for Gloucester is right to describe the importance of the rule of law as defined by the independence of the judiciary. He is also right to praise China for its robust approach to addressing corruption in the wider piece—not just in Hong Kong but in the wider country—and the zealotry with which corruption is being addressed demonstrates that there is an ability to uphold the rule of law where necessary. The rule of law can therefore be upheld in Hong Kong; it just takes political will to make that happen.

The joint declaration is crucial in upholding understanding and confidence in Hong Kong. We all know that many perceive Hong Kong as the gateway to the broader Chinese market and to China culturally,

and it is perceived as a place where corporate structures can grow within a familiar system. The dynamic in Hong Kong and the Legislative Council is changing, and we have heard from the hon. Member for Strangford (Jim Shannon) that there is a sense that whereas protest was peaceful several years ago, in the past few years it has started to become less peaceful. There is more use of police and certain tactics that are not welcome in controlling crowds, which is the sort of tone that needs to be underlined in this debate.

Equally, what we are seeing happen at constitutional level and in debates in the Legislative Council—the filibustering, the discussions, the lack of harmony—are all things that, in a sense, change the temperature in Hong Kong. They are the sorts of things that, as a partner of Hong Kong, we need to underline and draw to China's attention. I would welcome the Minister's assessment of the current situation in Hong Kong on constitutional reform, on the peacefulness or non-peacefulness of demonstrations and on how young people feel. The hon. Member for Gloucester was right to read out an email from a young person, and I have been approached both by British-born Chinese and by Hong Kong students who are studying here. They are concerned about their future in Hong Kong, and they want to enjoy in Hong Kong the kinds of freedoms that we enjoy here.

Upholding the one country, two systems principle goes beyond ensuring commercial interests. Members are right to mention the debate we had this morning, in which I talked about our triangle of aims in foreign affairs. The triangle has three parts: first, economy and trade; secondly, security—I am pleased that the hon. Gentleman has raised the South China sea issue, because we do not speak about that as much as perhaps our partners would like—and thirdly, human rights. We cannot just have to ourselves the freedoms and rights that we enjoy here; we must hold them up abroad, too.

Upholding the one country, two systems principle goes beyond just ensuring commercial interests; it is about that triangular approach. I think particularly of our great collaborations on the rule of law. We share best practice in our legal teams with Hong Kong, and so on. The hon. Gentleman mentioned IP, but there are a number of other areas where there is so much to be shared, enjoyed and built on, and I worry that the human rights side could be slightly staining what our other excellent endeavours might achieve. We must ensure that we bring human rights and cases such as that of Lee Po to the fore so that we can all move at the same pace on the three elements of my triangle.

**Richard Graham:** The hon. Lady is making a number of good points, as one would expect from someone who has been engaged on this issue for a long time. Does she agree that it is important that we offer constrictive criticism as friends in a partnership between two nations, and that we highlight what more China can do to win friends and, above all, trust as she goes increasingly global? The idea behind one country, two systems and the 50-year period of the joint declaration was that by the end of that period the systems in Hong Kong and China would be so similar that there would be no need for one country, two systems any longer. Does she think that things are heading in that direction at the moment and that the systems are getting more similar, or is there a risk, in the worst case scenario, of the two systems moving further apart?

**Catherine West:** Indeed, and that is where we need a balance. In China, they talk a lot about harmony and balance, and that is what we have to do. We must ensure that all our work streams come together at the same time. When we work on legal relations, technological advances, business and education—our wonderful collaboration between universities—we must not forget who we are. We are determined to promote human rights, equality and so on, and so we must bring all of those work streams together, including the important one that the hon. Gentleman mentioned—peace. We must maintain peaceful, open dialogue.

To digress slightly—I will be very brief, because I know the Minister wants to get away—*[Interruption.]* He is so busy. The tone in the all-party China group when Mr Liu was present recently was excellent. We had a very open discussion about best practice on anti-corruption and on a number of work streams to do with local business in various constituencies. We also had a robust discussion about a recent delegation to Hong Kong, and we raised our concerns about Mr Lee Po and other cases, and about the steel situation. I felt that it was a perfect meeting. Members of Parliament were able to discuss openly what we feel, and we had a wonderful conversation and dialogue. From my tiny knowledge of China—I lived there, but one never knows everything—I felt that we made progress in our dialogue. It is important to emphasise that.

In our meetings with China we must continue to be energetic in raising matters such as the cases of Mr Lee Po and Cheung Jiping and not shy from them. We must remember that Mr Po is a British citizen. Information and press freedom are crucial to democracies, so it is important that they are front and centre of our discussions. I will be grateful if the Minister can update Members on what further action he will take to investigate the nature of Mr Po's recent public communication and whether it was genuine or made under duress.

We all want a stable Hong Kong. I remember stepping off an aeroplane there in 1974 and smelling the tropics and feeling the warmth. All of us who have been there, lived there and love that place want it to be stable. We want freedom, human rights, genuine democracy and all of those wonderful things to be kept going, and we want to maintain those international friendships. We do not want a closed Hong Kong whose young people are unhappy about their future. The joint declaration must be meaningful, and stability must allow economic life to flourish. We must also support freedom of expression, the rule of law and a peaceful future.

5.55 pm

**The Minister of State, Foreign and Commonwealth Office (Mr Hugo Swire):** I congratulate my hon. Friend the Member for Gloucester (Richard Graham) on securing the debate and pay, once again, tribute to his valuable work through his chairmanship of the all-party group on China, as well as to his deep personal interest in Hong Kong. I agree with his opening remarks in which he drew attention to all those who are following the debate outside this place. The rather thin attendance in no way reflects the level of continuing interest in Hong Kong, in the UK and in Parliament. It is purely the result of the timing of the debate being shifted, and of other competing demands on Members' time.

To the shadow Minister, the hon. Member for Hornsey and Wood Green (Catherine West), I would say that this Minister is not at all in a hurry to get off. He is at the disposal of Members, although limited by time. I am anxious only to get on with the debate, to address some of the extremely important and interesting points raised by hon. Members this afternoon.

As the hon. Member for Strangford (Jim Shannon) reminded us, Hong Kong remains of great importance to the United Kingdom. There are more than 295,000 British citizens and 3.4 million British national overseas citizens living in the city. In 2015 approximately 530,000 visitors from the UK went to Hong Kong. Our bilateral trade continues to be one of the foundation stones of our partnership. UK investment in Hong Kong, conservatively valued at £33 billion, makes up about 35% of total British investment in Asia. I was slightly intrigued to hear the comparison that the hon. Member for Glasgow North (Patrick Grady) sought to make in a rather roundabout way between Scotland and Hong Kong and England and Hong Kong. I would just point out that I believe the Scottish Government would do well to study the free market approach of the special administrative region in running a very successful financial enterprise. I have no doubt that even the First Minister, in her visit to Hong Kong last year, might have noticed the difference in the comparative financial positions of Scotland and Hong Kong.

Hong Kong is the regional headquarters for 126 British companies and, incidentally, some of the leading ones have a distinguished and strong Scottish heritage. Some 630 British companies operate in the city, reflecting its pivotal role as an international gateway to mainland China and as a global financial centre. Hong Kong also, as has been pointed out, has a key role in our wider bilateral relationship with China, where we are supporting economic growth and the rule of law.

The Government's relationship with the Hong Kong SAR Government is also strong. I most recently visited Hong Kong in July and discussed a full range of UK-Hong Kong bilateral issues with the Hong Kong Chief Executive CY Leung, the Financial Secretary John Tsang and the Secretary for Housing and Transport, Anthony Cheung. I also saw legislators and investors, and met Fred Lam, the new chief executive of the airport authority, to explore opportunities for British companies in the third runway expansion of Hong Kong international airport. In October we welcomed CY Leung to London for his first official visit as Chief Executive. Both I and the Foreign Secretary discussed with him the importance of Hong Kong's high degree of autonomy, and of preserving the rights and freedoms enshrined in the Sino-British joint declaration.

The United Kingdom strongly believes that it is those rights and freedoms that underpin Hong Kong's continuing success. The joint declaration agreed the peaceful return of Hong Kong to Chinese sovereignty under one country, two systems, and was one of the great successes of United Kingdom-China diplomacy. Some 31 years after its signature, our commitment to ensuring the faithful implementation of the joint declaration, and the protection of the rights and freedoms it guarantees, is as strong as ever.

It is in that context that the Government remain so concerned about the disappearance from Hong Kong of British citizen Lee Po and others associated with the

[*Mr Hugo Swire*]

Mighty Current publishing house. The Foreign Secretary made it clear on 11 February in his six-monthly report to the House that

“our current information indicates that Mr Lee was involuntarily removed to the mainland without any due process under Hong Kong SAR law.”

That constitutes a serious breach of the Sino-British joint declaration on Hong Kong. The United Kingdom and 11 other countries signed a US-led statement at the UN Human Rights Council on 10 March that made it clear that the disappearance of the Hong Kong booksellers was

“violation of the high degree of autonomy promised Hong Kong under its Basic Law”.

We have raised the case of Mr Lee with the Chinese and Hong Kong special administrative region Government at the highest level. I raised the case with the Chinese ambassador to the United Kingdom on 22 January, and I made clear the need for the Chinese authorities to return Mr Lee to Hong Kong immediately. The Foreign Secretary raised the case with Chinese Foreign Minister Wang Yi in Beijing on 5 January and in London on 4 February, and the Prime Minister raised the case with the Chinese ambassador on 8 February.

More recently, when the Chancellor of the Exchequer visited Beijing on 25 and 26 February, he raised the case with the chairman of China’s Politics and Law Commission, Meng Jianzhu. I understand that the delegation from the all-party group on China, led by my hon. Friend the Member for Altrincham and Sale West (Mr Brady), visited Hong Kong from 25 to 29 January and also raised the case with the Hong Kong special administrative region Government.

As we make clear in the six-monthly report,

“we have called, in our contacts with the Chinese government at the highest level, for Mr Lee’s immediate return to Hong Kong. Moreover, we urge the Chinese and Hong Kong Special Administrative Region Governments to reassure the people of Hong Kong that law enforcement in the Hong Kong SAR is exclusively the responsibility of the Hong Kong authorities, and that the fundamental rights and freedoms of Hong Kong residents will continue to be fully protected, and respected by all, in accordance with the Joint Declaration and Basic Law.”

**Catherine West:** The debate has been focused on Hong Kong, but if Mr Po is now in China, will the Minister elucidate how the UK Government will use their influence when it is a question of mainland China rather than Hong Kong? There is perhaps more familiarity with how the judicial process works in the latter.

**Mr Swire:** We believe that if Mr Lee Po is to face any kind of trial, that should be in Hong Kong. That is agreed by the SAR as well. I shall continue, but the hon. Lady may want to come back to me if I do not fully answer her question. I raised Mr Lee Po’s case on 16 March at an “Advancing the Rule of Law in China” seminar organised by the Great Britain-China Centre, where I made it clear that

“the rule of law has been fundamental to Hong Kong’s continued economic success”.

On the issue of citizenship, I stress that Mr Lee remains a British citizen with the right of abode in the United Kingdom. Despite the formal requests that we continue to make, we have not been granted consular access.

Let me be clear that the Chinese and Hong Kong Governments have been left in no doubt as to the importance we attach to this case. We call again for the immediate return of Mr Lee to Hong Kong.

**Catherine West:** I just want to clarify what processes there might be to have Mr Lee returned to Hong Kong if he is not currently there. What influence might the UK Government bring to bear to achieve that outcome?

**Mr Swire:** I have rehearsed the high-level contacts and representations we have had with the Government in Beijing, not least those involving the Prime Minister, the ambassador and the Chancellor when he was in Beijing. We have raised the case at every level and will continue to do so until such a time as Mr Lee is returned to Hong Kong.

Several Members mentioned the South China sea. We support the Philippines’ right to peaceful arbitration. I stress that we take no view on the underlying sovereignty issues, although we do believe in a rules-based international system and the freedom and movement, and we do expect all others to abide by whatever ruling comes out of UNCLOS through the International Tribunal for the Law of the Sea settlement. We are concerned about the risk that some of the large-scale land reclamation in the South China sea could pose to maritime freedom of navigation and to the area’s stability.

The six-monthly report makes it clear that, while the implementation of one country, two systems has served Hong Kong well in the vast majority of cases, there are specific grounds for serious concern in some other areas, such as academic freedom and the freedom of the press. As the six-monthly report states,

“it is essential for continued confidence in ‘One Country, Two Systems’ both in Hong Kong and internationally, that Hong Kong continues to enjoy, and is seen to enjoy, the high degree of autonomy and the rights and freedoms enshrined in the Basic Law and guaranteed in international law by the Joint Declaration.”

I was asked specifically by my hon. Friend the Member for Gloucester about the comments that Zhang Xiaoming, the head of the Central Government Liaison Office, made in a speech. I welcome the comment by Chief Justice Geoffrey Ma, whom I have met, on judicial independence. He reiterated article 25 of the Basic Law, which states:

“All Hong Kong residents shall be equal before the law.”

At the recent National People’s Congress annual session in Beijing, the Chinese Government reiterated their commitment to one country, two systems, and I welcome that.

Continuing the theme, my hon. Friend also raised the issue of an independent judiciary. Our assessment is that, while there have been specific challenges, on the whole the rule of law continues to function and the judiciary continues to be independent. We are confident in Hong Kong’s legal and judicial system, which has been and will remain an essential foundation for Hong Kong’s success.

The shadow Minister, the hon. Member for Hornsey and Wood Green properly raised the issue of constitutional reforms, which we were all involved in, one way or another, in the past year or so. I remind the House that in the last Westminster Hall debate on Hong Kong, which was in October 2014, we discussed that very issue. It remains a crucial issue, both to meet the aspirations

of the people of Hong Kong and to ensure effective governance. As the six-monthly report makes clear:

“The UK Government judges that constitutional reform will help, not hinder, the Hong Kong SAR Government to deliver. A more democratic and accountable system of government would help strengthen those rights and freedoms which have come under increasing pressure over the past two years...We encourage all parties to play their part in rebuilding constructive dialogue to pave the way for the resumption of the process at the earliest opportunity.”

**Jim Shannon:** The Minister is explaining things well, and I thank him for that. We need to have continual economic contact, but within that, how can we persuade? The shadow Minister said that we do not see much evidence of how we can move the process forward for that British citizen to be returned. I am keen to have the economic contact. The Minister mentioned the airport. It is built with stone from my constituency, from Carryduff—believe it or not, that is what has been used. There are strong economic contacts between Hong Kong and my constituency and the whole of the United Kingdom. We want that to continue, but we want liberty and human rights to be enforced as well.

**Mr Swire:** The hon. Gentleman is right. I never think these issues are binary and that it is either human rights or trade. Through trade, rules and an international rules-based system, human rights very often benefit, too. It is not about putting one of those to one side. We are very strong on human rights, which is why we produce a six-monthly report—it is not universally popular—and will continue to do so under our obligations in the Sino-British joint declaration and, further, under the Basic Law.

The hon. Gentleman talked about the protesters in Hong Kong. As we have said before, it is essential that Hong Kong's fundamental rights and freedoms, including of assembly and demonstration and as guaranteed by the joint declaration, continue to be respected. Demonstrators should express views peacefully and in accordance with the law. Incidentally, I seem to remember saying that during my enjoyable two years as a Northern Ireland Minister, despite not coming across the hon. Gentleman at any particular demonstration during my time there.

**Jim Shannon:** They were all legal protests.

**Mr Swire:** All legal, of course.

The links between the United Kingdom and Hong Kong of course remain strong. Ours is a relationship that is not only based on history but is innovative, forward-looking and dynamic, with excellent prospects for the future. We continue to build on that. In that spirit, the Foreign Secretary hopes to visit Hong Kong in the near future.

Where we identify challenges, such as the case of Mr Lee and the other booksellers, this Government will continue to raise them with the authorities at the highest level in Hong Kong and in Beijing. It is important to address these concerns and thus ensure that the principle of one country, two systems is maintained, together with the sanctity of the rights, freedoms and values that it upholds.

I am once again indebted and grateful to my hon. Friend the Member for Gloucester for giving me the opportunity to state the Government's position on this important issue. He is a champion of Sino-British relations. Some may not always agree with the principled stance he takes, but he is absolutely right that, if we are to understand each other better, to learn to respect each other more, and to be partners in international trade and in underpinning the things that matter to us in terms of rights and responsibilities, we need to have these free and frank exchanges. I know that when he speaks he has the best interests of the people of the United Kingdom, Hong Kong and China at heart. So I thank him again for all his continuing work in furthering the relationship, and I am grateful to hon. Members this afternoon for adding to what has been an interesting debate.

**Mr Philip Hollobone (in the Chair):** I call Richard Graham to wind up.

6.11 pm

**Richard Graham:** You are kind to give me that chance, Mr Hollobone.

I will simply record my thanks to those who have contributed to the debate today, and to those who have given their apologies for being unable to join us but whose voices have been heard, I think, through comments made by those who have contributed. We have reached a high degree of consensus on the importance of the issues discussed and above all on the importance of the rule of law. I thank the Minister for his remarks, perhaps particularly those at the end about the importance of this in our ongoing, wider partnership, which now stretches to many countries.

Mr Hollobone, thank you for chairing what has been an extremely helpful debate.

*Question put and agreed to.*

*Resolved,*

That this House has considered Hong Kong and the Sino-British Joint Declaration.

6.12 pm

*Sitting adjourned.*



# Written Statements

Wednesday 23 March 2016

## BUSINESS, INNOVATION AND SKILLS

### Performance Targets (Intellectual Property Office)

**The Minister for Culture and the Digital Economy (Mr Edward Vaizey):** My noble Friend the Parliamentary Under-Secretary of State for Business, Innovation and Skills (Baroness Neville-Rolfe) has today made the following statement.

As an Executive Agency and Trading Fund of the Department for Business, Innovation and Skills, we set targets which are agreed by Ministers and laid before Parliament. For 2016-17 our targets are:

We will complete all remaining UK steps necessary for the UPC to come into being.

We will ensure that overall customer satisfaction is at least 80%.

We will offer faster handling of patent applications, by providing an examination report with a search report when both are requested at the application date, and meeting at least 90% of requests for an accelerated two-month turnaround for search, publication and examination.

We will publish 90% of acceptable applications for national trade marks for opposition within 90 days of filing.

We will develop a robust methodology to measure and report on harm caused by IP infringement and counterfeiting to individuals, communities and the economy.

We will increase the number of businesses that better understand how to manage IP, reaching 100,000 businesses. Eighty five per cent of the businesses we talk to will be better able to understand IP and its use within their business.

We will support the export activity of UK companies by providing education, advice and specific case support to 5000 businesses by March 2017.

We will enhance the capability of our people in leadership and change by designing and running a programme which will move at least 85% of participants up one level on our leadership measure.

We will implement a new HR and payroll system

We will achieve return of capital employed of at least 4%

We will deliver an efficiency gain of 3.5%.

[HCWS641]

## CABINET OFFICE

### EU Referendum (Counting Officers' Regulations)

**The Parliamentary Secretary, Cabinet Office (John Penrose):** The Cabinet Office wishes to report the entry into force today of the European Union Referendum (Counting Officers' and Regional Counting Officers' Charges) Regulations 2016. The regulations are the final piece of legislation which, taken together, confirm the arrangements for the referendum on whether the United Kingdom should remain a member of the European Union or leave the European Union.

The EU Referendum Act 2015 provides for a referendum to take place on the UK's membership of the EU. The British people will be asked on 23 June, for the first time in 40 years, whether or not they want to stay in the EU. This is a concrete step towards settling the debate about the UK's membership of the EU.

The estimated cost of conducting the referendum is £142.4 million. This includes the expenses incurred by counting officers in running the poll, grants to the designated lead campaign organisations, the delivery by Royal Mail of campaign mailings from those organisations, and the cost of the central count. These costs have been discussed and agreed with the Electoral Commission. It is important that counting officers and the Electoral Commission have the resources necessary to conduct the referendum effectively and efficiently.

The European Union Referendum (Counting Officers' and Regional Counting Officers' Charges) Regulations 2016 set the maximum recoverable amounts for the services and expenses of counting officers and regional counting officers. The regulations therefore provide counting officers with certainty regarding their allocations, enabling them to plan with confidence for delivery of the poll.

[HCWS648]

## CULTURE, MEDIA AND SPORT

### Broadband Universal Service Obligation

**The Minister for Culture and the Digital Economy (Mr Edward Vaizey):** In November, the Prime Minister announced the Government's intention to implement a new broadband universal service obligation (USO)—heralding a step change in our ambition for broadband services and reflecting that many now see broadband as an essential service much like electricity and water.

Maintaining momentum on our commitment to implement the USO in this Parliament, I am pleased to announce today's launch of our consultation on the first step, which is to clarify our powers in primary legislation. The consultation document explains the Government's rationale for the USO, the proposed measures that we intend to put in legislation, and the road map that we will follow to take this work forwards.

The consultation, which runs until 18 April, is available at:

<https://www.gov.uk/government/consultations/broadband-universal-service-obligation>.

I would encourage you to respond and look forward to hearing your views.

[HCWS645]

### Culture White Paper

**The Minister for Culture and the Digital Economy (Mr Edward Vaizey):** I am today laying and publishing a Government White Paper on culture.

It is the first ever Government White Paper for all the cultural sectors together, and the first covering the arts for over 50 years.

This White Paper sets out our ambition and strategy for the cultural sectors in the coming years. It outlines the key issues facing the cultural sectors today and the role we want culture to play in our society; what the Government and our public bodies will do to address those issues; and how we will ensure that everyone can enjoy and benefit from culture.

The White Paper sets out how the Government will encourage access and opportunity across the cultural sectors, with a particular focus on children and young people from disadvantaged backgrounds and groups which are under-represented in cultural organisations and audiences. The new Cultural Citizens programme, which was first announced by the Prime Minister in January 2016, will provide new opportunities for young people to experience and take part in cultural activities.

Through the plans set out in the White Paper, the Government and their funded bodies will provide support to local areas to help them develop their cultural ambitions and embed culture in their plans and policies for local social and economic development.

The White Paper also sets out how the Government will use culture to build the UK's image, soft power and influence in the world and help the cultural sectors to make the most of opportunities to promote the UK's culture and heritage around the world.

Cultural organisations need to develop new funding models in order to grow and build resilience. The White Paper sets out how the Government will help the cultural sectors to tap into new and innovative sources of funding, and how we will ensure that our publicly-funded organisations have the right structures and relationships to enable them to support the cultural sectors across the country in order to achieve our ambition.

It is the Government's ambition that all Government Departments should work closely together and with public bodies and other partners to ensure that our children and young people have access to the best cultural opportunities available and people of all ages and backgrounds enjoy the many benefits that culture brings, at every stage in their lives.

I am grateful to all those who took part in the consultations during 2015, in round tables, written submissions and online contributions. Over 230 organisations from the cultural sectors across the country shared their views and ideas with us. The response from the cultural sectors shows they are united in our ambition to ensure that everyone in every community can enjoy and benefit from our rich and diverse culture. This White Paper sets out how we will achieve that.

The White Paper and attachments are also available at:  
<https://www.gov.uk/government/publications/culture-white-paper>.

I have arranged for copies to be placed in the Libraries of both Houses.

HCWS643]

## ENVIRONMENT, FOOD AND RURAL AFFAIRS

### Agriculture and Fisheries Council

**The Secretary of State for Environment, Food and Rural Affairs (Elizabeth Truss):** I represented the UK at the Agriculture and Fisheries Council on 14 March

in Brussels. Commissioner Hogan introduced the first agenda item on financial instruments and invited the European Investment bank (EIB) to make a presentation. Many member states highlighted the importance of improving farmer access to money, which would support modernisation, innovation, research and productivity. The UK and Ireland called on the EIB to be more proactive with member states and for the Commission to facilitate meetings. The UK also advocated that the EIB should be able to help farmers diversify their product base to higher value products with better market prices.

The second agenda item was on the market situation and support measures. The UK broadly welcomed the package, and gained support for measures that would help farmers boost productivity. These included:

Improving the transparency of supply chains, allowing farmers to gain earlier signals on price and demand. The Commission agreed to extend the successful EU milk market observatory to beef and pigmeat, allowing the industry access to the latest market data.

Assisting farmers by reducing the cost of fertilisers. Commissioner Hogan agreed to look at a temporary suspension of import tariffs for fertiliser.

Helping farmers access finance to invest in their businesses and boost their productivity and growth.

An increased drive to open up new foreign and third country export markets.

### *Any other business items*

The UK presented an AOB item calling for simplification on the CAP audit process. It highlighted that it should be possible to lighten the burden on administrations and farmers while maintaining prudent financial management of CAP funds. A total of 16 other member states supported the UK. The Commissioner agreed the non-paper would be analysed and discussions would continue on how to further improve the audit and control process.

Italy set out their concerns with front-of-pack food nutrition labelling scheme. The Commission noted that front-of-pack schemes could be an efficient tool to empower consumers. They highlighted the legal requirement for the Commission to review member state schemes and report back to the Council and the Parliament in December 2017.

Estonia presented the outcome of the high-level meeting on African swine fever held in February 2016. The meeting, attended by affected and bordering member states, will be held on a six monthly basis to exchange best practice on eradication of the disease.

Draft conclusions were adopted without discussion on reports by the European Court of Auditors on "EU support to timber producing countries under the FLEGT plan" and "Are the fisheries partnership agreements well managed by the Commission".

[HCWS640]

## HEALTH

### Meningitis C Vaccine (Emergency Donation)

**The Parliamentary Under-Secretary of State for Health (Jane Ellison):** It is the normal practice when a Government Department proposes to make a gift of a value exceeding £300,000, for the Department concerned to present to the House of Commons a minute giving particulars of the gift and explaining the circumstances; and to refrain



from making the gift until 14 parliamentary sitting days after the issue of the minute, except in cases of special urgency.

A minute has today been laid before Parliament setting out details of the Department of Health's gift of approximately 157,000 doses of the Meningitis C (MenC) vaccine to the World Health Organisation to meet a request for urgent assistance to manage MenC outbreaks in the Niger and Mali. This gift has a market value of around £3.5 million pounds including VAT. Due to commercial sensitivities it is not possible to confirm the contract price.

MenC is a very serious illness which can result in death or severe consequences including brain damage, hearing and sight loss and there is a global shortage of affordable MenC vaccine. This gift will provide a valuable contribution to saving lives and reducing morbidity in infants and children in the Niger and Mali.

The risk of MenC in children in the UK is very low because of the success of the vaccination programme so far. When MenC was first introduced in 1999, around 12 million children and young adults were vaccinated as part of a catch-up programme. Because of this catch-up programme, circulation of MenC in the population declined rapidly and this low circulation will be maintained by vaccinating teenagers—the age group most likely to carry meningococcal bacteria in their noses or their throats.

The Joint Committee on Vaccination and Immunisation (JCVI) has advised that children no longer need the infant dose of MenC currently given at three months of age. This is because there is very good herd protection for MenC, resulting from low rates of MenC carriage amongst teenagers and young adults. This means the risk of cases of invasive MenC disease in infants in the UK is extremely low. Also, the new MenB vaccination programme using the vaccine Bexsero® is expected to provide some degree of protection against invasive MenC disease. This change in our vaccination schedule will take effect from 1 July 2016. Children will still be offered two doses of a MenC vaccine. They will be offered a dose at 12 months of age (combined with Hib) and a dose at 14 years of age (currently combined with MenA, W, and Y). The latter dose will help to sustain the current low levels of carriage among young adults in the UK.

Due to the urgent nature of this request it has not been possible to provide Parliament with 14 sitting days' notice of this gift. The Treasury has approved the proposal and a copy of the minute is attached.

Attachments can be viewed online at :  
<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-03-23/HCWS647/>.

[HCWS647]

## HOME DEPARTMENT

### The Modern Crime Prevention Strategy

**The Secretary of State for the Home Department (Mrs Theresa May):** I am pleased to announce that I am today publishing the Government's modern crime prevention strategy ("the strategy").

Crime has fallen dramatically over the last 20 years, with previously high-volume crimes like burglary, vehicle-related theft and street violence having more than halved. Crime is also changing: previously "hidden" crimes like child sexual abuse, rape and domestic violence have all become more visible, if not more frequent, and we are developing better measures of the scale of online fraud and cybercrime.

Targeted crime prevention initiatives have made a significant contribution to cutting crime over the last 20 years. However, the changes we are now seeing mean we need to update our approach, building on the successes of the past while making full use of new tools and techniques to protect the public.

The strategy addresses what the evidence suggests are the key drivers of crime: opportunity; character; the effectiveness of the criminal justice system; profit; drugs; and alcohol. It also focuses on how we can use data and technology as powerful tools to prevent crime.

The strategy sets out a range of measures under each driver that will make crime harder to commit and less attractive to criminals. These include, for example:

- Introducing legislation to ban the sale of so-called "zombie-killer" knives;

- Making more information available to consumers on how secure their smartphone is; and

- Keeping people safe from high harm crimes of abuse through implementing the actions in the 2016 violence against women and girls strategy

The strategy also emphasises that one of the most important lessons of the last 20 years is that neither the Government nor the police can prevent crime on their own. Crime prevention is most effective when Government, law enforcement agencies, businesses, academia, local authorities, voluntary sector organisations and the public themselves all play their part. Working together, we can continue to prevent crime even as it changes.

The strategy is available to download from the gov.uk website.

Copies of the strategy will be made available in the Library of the House.

[HCWS642]

## TRANSPORT

### Motoring Agencies (Business Plans)

**The Parliamentary Under-Secretary of State for Transport (Andrew Jones):** My noble Friend, the Parliamentary Under-Secretary of State for Transport (Lord Ahmad of Wimbledon) has made the following written statement:

I am pleased to announce the publication of the 2016-17 business plans for the Department for Transport's motoring Executive agencies—the Driver and Vehicle Standards Agency (DVSA), the Driver and Vehicle Licensing Agency (DVLA) and the Vehicle Certification Agency (VCA).

The business plans set out:

- the services each agency will deliver and any significant changes they plan to make;

- the resources they require; and,

the key performance measures, by which their performance will be assessed.

These plans allow service users and members of the public to assess how the agencies are performing in operating their key services, managing reforms and the agency finances.

The business plans will be available electronically on gov.uk and copies will be placed in the Libraries of both Houses.

Attachments can be viewed online at:

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-03-23/HCWS646/>

[HCWS646]

### **Maritime and Coastguard Agency (Business Plan)**

**The Minister of State, Department for Transport (Mr Robert Goodwill):** I am pleased to announce the publication of the Maritime and Coastguard Agency's (MCA) business plan for 2016-17.

The business plan sets out:

the services that the agency will deliver and any significant changes it plans to make;

the resources the agency requires;

the key performance measures, by which its performance will be assessed.

This plan allows service users and members of the public to assess how the agency is performing in operating its key services, managing reforms and the agency finances.

The business plan will be available electronically on gov.uk and copies will be placed in the Libraries of both Houses.

Attachments can be viewed online at:

[http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-03-23/HCWS644](http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-03-23/HCWS644/)

[HCWS644]

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Wednesday 23 March 2016

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