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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES**

(HANSARD)

Tuesday 7 June 2016

House of Commons

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The House met at half-past Eleven o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

TREASURY

The Chancellor of the Exchequer was asked—

Young People

1. **Helen Hayes** (Dulwich and West Norwood) (Lab): What steps he is taking to ensure that young people are not disproportionately affected by reductions in government expenditure. [905188]

4. **Nick Thomas-Symonds** (Torfaen) (Lab): What steps he is taking to ensure that young people are not disproportionately affected by reductions in government expenditure. [905191]

The Chief Secretary to the Treasury (Greg Hands): The Government have a long-term economic plan designed to help young people, which includes 3 million new apprenticeship starts, a 10-year low in youth unemployment, the lifetime individual savings account to help first-time buyers, 360,000 16-year-olds doing National Citizen Service and record numbers going to university.

Helen Hayes: The Chancellor has claimed that the Government

“put the next generation first.”—[*Official Report*, 16 March 2016; Vol. 607, c. 951.]

However, the Equality and Human Rights Commission’s “Is Britain Fairer?” report, which was published last year, found that younger people in the UK faced the worst economic prospects for generations. Young people in my constituency are bearing a disproportionate burden of the Government’s cuts. The abolition of the education maintenance allowance has made it harder for 16 and 17-year-olds to pursue educational opportunities; university tuition fees have trebled and are set to rise again; changes to the schools funding formula will see—

Mr Speaker: Order. All we need is a question with a question mark at the end of it in one sentence.

Helen Hayes: Oh!

Mr Speaker: Sorry, but that is the way it is.

Helen Hayes: Sorry, Mr Speaker. My question is, when will the Chancellor offer a fair deal to our young people, and stop closing off opportunities and driving them into debt?

Greg Hands: That was an extraordinary question. It ignored all the announcements that I made about what the Government have been doing for young people. Let us not forget the situation we inherited in 2010, when youth unemployment had gone up by 45% under Labour. The facts are these: a record number of young people are going to university, including a record number from disadvantaged backgrounds, and the proportion of young people struggling financially has almost halved since the hon. Lady’s days in 2010.

Nick Thomas-Symonds: The wages of 18 to 21-year-olds fell by about £1,000 a year during the last Parliament, yet under-25s are excluded from the national living wage. Will the Chief Secretary to the Treasury condemn what the Minister for the Cabinet Office said: that that is because people under 25 are simply not productive enough?

Greg Hands: The hon. Gentleman is ignoring our amazing record on youth unemployment since we took office six years ago. Youth unemployment has fallen by 102,000 this year. Youth employment is up 94,000 over the year and is close to the highest proportion on record. On why the national living wage does not apply to those who are under 25, I remind him that the national minimum wage does apply to those who are under 25 and is increasing under this Government. For younger workers, the priority is to secure work and gain experience. Youth unemployment remains higher than the unemployment rate for those aged over 25.

Mr Alan Mak (Havant) (Con): Since 2010, nearly half a million fewer children and young people are in households where there is worklessness. Will the Chief Secretary confirm that the Government will continue to help households into work and to cut poverty?

Greg Hands: My hon. Friend is quite right, and we will continue to take action in this space. The number of households where nobody had ever worked doubled under Labour. Thanks to us, youth employment is up 94,000 over the year and continues to rise.

Huw Merriman (Bexhill and Battle) (Con): Does my right hon. Friend agree that the way to give a fairer deal to younger people is to make sure that they are not saddled with the debts of reckless spending? Will he assure me that he will do everything he can to ensure that this Government balance the books?

Greg Hands: My hon. Friend is quite right that it is future generations who would have to repay the debt that the last Labour Government left us and the even greater debt that the current Labour team want to give us with their reckless spending pledges. Household debt as a proportion of income has fallen since Labour’s financial crisis. We are in a much healthier condition in 2016 than we were in 2010.

Mr Speaker: Order. I must advise colleagues that we are today visited by Mr Kadri Veseli, the Speaker of the Parliament of Kosovo, who is visiting the UK in the year in which that independent nation celebrates eight years of independence. My colleague and his team are warmly welcome in the House.

Northern Powerhouse

2. Stuart Andrew (Pudsey) (Con): What progress he has made on the establishment of the northern powerhouse. [905189]

10. Seema Kennedy (South Ribble) (Con): What progress he has made on the establishment of the northern powerhouse. [905197]

The First Secretary of State and Chancellor of the Exchequer (Mr George Osborne): May I say that as a young Back Bencher I went to Pristina to help with the democracy-building programme in Kosovo? It is good to have the Speaker of that Parliament here.

Two years ago, we set out the plan to build a northern powerhouse by connecting up the cities and counties of the north of England so that the whole is greater than the parts. Since then we have committed billions in new transport investment, devolved powers to cities and promoted science and culture. The result is that investment projects in the north are up by more than 100%. But we have just started on this bold journey, and it is only by working together that we will transform the economic geography of this country.

Stuart Andrew: I am grateful for that answer. Severe flooding over Christmas caused huge problems for the city of Leeds, which is a major player in the northern powerhouse. I am grateful to my right hon. Friend for meeting me to discuss flood defences. Does he agree that the neighbourhood planning and infrastructure Bill will help deliver the commitment to invest £100 billion in such infrastructure and secure the economic prosperity of the north?

Mr Osborne: I agree with my hon. Friend, and congratulate him and other west Yorkshire MPs who spoke out powerfully on the need for further investment in flood defences in west Yorkshire and in Leeds. We have provided that, with around £350 million extra in flood defence investment over the coming years to protect the businesses and communities he represents. Our neighbourhood planning Bill will ensure that we have a national infrastructure commission on a statutory footing to look at the big national challenges that we face, whether transport investment, broadband or indeed flood defence.

Seema Kennedy: I thank my right hon. Friend for his answer. What benefits are there for infrastructure funding for the region outside the large cities?

Mr Osborne: My hon. Friend raises an important issue. In recent years there has been a focus on economic development in the big cities of the north, but we now want to support the counties and county towns of the north of England. In the area that she represents so well we have the new growth deal for the Preston, South Ribble and Lancashire city deal area. We are looking to devolve more economic powers to counties so that they too can see the benefits of securing economic growth. My door is always open to good, sensible proposals for investment in the counties of the north of England.

Rachel Reeves (Leeds West) (Lab): The Chancellor speaks about investment in transport and in flood defences, both of which are crucial in my city of Leeds. Yet last

month the Government cancelled the Leeds trolleybus scheme, and in 2011 flood defences were cancelled in Leeds, which contributed to the flooding we saw in December. Earlier this year the Government announced some money for flood defences, but it was just a fraction of what was cancelled five years ago, so I am surprised by the complacency of the hon. Member for Pudsey (Stuart Andrew), and ask the Government to invest properly in flood defences in our city.

Mr Osborne: The hon. Lady is being a little churlish. We committed £6 billion to investment in transport in Humberside and Yorkshire, the area that her constituency is in. Specifically on flood defences, she raised on the Floor of the House very specific schemes that she wanted me to fund. I funded those in the Budget. As she well knows, the future phases do not yet have plans or a price tag, but I have said that in principle we are committed to those as well. If she works with us we will deliver those schemes, which of course were never delivered under a Labour Government.

Alison McGovern (Wirral South) (Lab): The Chancellor mentioned transport investment, yet his Government have presided over a situation in which there is 24 times more transport investment in London than in the north. However, on this occasion, although it pains me to do so, I want to ask the Chancellor to agree with me that people in the north need our country to remain at the heart of Europe so that our cities will keep growing.

Mr Osborne: First, it is quite right that we invest in major transport infrastructure in our capital city, which we have done with Crossrail and Crossrail 2, but that has not been to the exclusion of investment elsewhere in our country. In the hon. Lady's part of the north-west there has been massive investment in electrification of the railways—I note that under the Labour Government only 10 miles of the country's entire railways were electrified. High Speed 2 will help with fast train journeys to Merseyside as well as to Manchester. Now, with the new Merseyside Mayor agreed, we can go on pouring more money into the infrastructure of Merseyside so that we support private businesses in that area in growing and creating private sector jobs.

Martin Vickers (Cleethorpes) (Con): This week is Humber business week. Despite the forthcoming opening of the A160 into Immingham docks, business leaders tell me that they feel somewhat disconnected from the northern powerhouse project. Will the Chancellor outline what future schemes might benefit them?

Mr Osborne: I remember that my hon. Friend championed that road when he first came into Parliament, and he sees the practical benefits for his constituency now that that work is almost complete. He also joined other east Yorkshire and Humber MPs in campaigning for lower bridge tolls. Those are examples of how we are delivering for his part of the country, but I am as passionate as he is about ensuring that east Yorkshire and Hull are connected to the northern powerhouse. We have made it very clear to all the core cities of the north that Hull and the surrounding area should be included. In the Budget, we announced specific support for the city of culture, which is near the area he represents.

Rebecca Long Bailey (Salford and Eccles) (Lab): Recent figures showed a 9.6% drop in the value of new construction project starts recorded in the so-called northern powerhouse to the end of 2015. Interestingly, despite the Chancellor's rhetoric on investment, much of the public capital invested thus far has been delivered by the EU. Does he therefore disagree with the Minister with responsibility for the northern powerhouse, the Under-Secretary of State for Communities and Local Government, the hon. Member for Stockton South (James Wharton), who said recently that Brexit will not affect Greater Manchester's vision and access to funding?

Mr Osborne: As the hon. Lady well knows, I certainly believe that Britain is stronger in the European Union, and that it helps the northern powerhouse, but I make this observation: investment projects in the north of England are up over 100% in the last two years, which is in striking contrast to other areas. To give a sense of scale, investment projects in London are up 7% in the last two years. That is welcome, but in the northern powerhouse, they are up 127%. We are rebalancing the economic geography of this country. I am sure she will welcome the fact that the north of England now has the highest employment rate in the country's history, and that we have seen the fastest falls in unemployment in the north of England.

Employment Trends

3. **Chris Green** (Bolton West) (Con): What assessment he has made of recent trends in the level of employment. [905190]

9. **Michael Tomlinson** (Mid Dorset and North Poole) (Con): What assessment he has made of recent trends in the level of employment. [905196]

The Exchequer Secretary to the Treasury (Damian Hinds): We have the highest employment rate on record, a record number of women in work, and the lowest claimant count since 1974. That means millions more opportunities for our fellow citizens. We must not now put at risk the security that has been brought about by our long-term economic plan.

Chris Green: From April to June 2014 to April to June 2015, the employment of British workers in the UK increased by a welcome 84,000, but the figures are three times higher for EU nationals. With respect to the national living wage, what assessment has been made of anticipated job growth in the UK? Does my hon. Friend believe that that will benefit the UK or EU citizens most?

Damian Hinds: Almost two thirds of the increase in employment over the past five years is accounted for by UK nationals. Today, nine in every 10 people in a job in the UK are UK nationals. As my right hon. Friend the Chancellor has said, Britain deserves a pay rise and the national living wage delivers it.

Michael Tomlinson: I am sure the Minister and the whole House welcome the latest unemployment figure in my constituency—it stands at only 361, or less than 1%—but what more can be done to ensure that that trend continues, given that we are down to the last few and the most difficult cases, especially bearing in mind the over-50s and those in the 18 to 24-year-old bracket?

Damian Hinds: I welcome that news from Mid Dorset and North Poole, and by further increasing support for the hardest to help we share my hon. Friend's keenness to ensure that no one is left behind. We have announced the new youth obligation and made it more cost-effective for employers to hire young people and apprentices. We are also helping older jobseekers to retrain through pilot schemes that began in April 2015.

Helen Goodman (Bishop Auckland) (Lab): This morning, the head of Hitachi warned that a Brexit vote means that jobs will be lost. What is the Treasury's estimate of the number of jobs that will be at risk if we leave the European Union?

Damian Hinds: Our projection is that, following the immediate economic shock that would follow from Brexit, 500,000 jobs would be lost and there would be an increase in unemployment. Part of that is from the initial impact on foreign direct investment, but that effect continues thereafter.

Stephen Timms (East Ham) (Lab): It is a concern not just of Hitachi but of any non-European company that has its European headquarters in the UK. The UK is much the most attractive location for them currently, and they would be in great difficulty if we left the European Union. Has the Department made an assessment of what that group of employers contributes and will contribute in future to UK employment, which would be at risk if we left the EU?

Damian Hinds: We have modelled the effect on foreign direct investment. One does not have to believe that people currently in the UK would leave. All one has to consider in relation to the detrimental impact on the UK is what will happen to foreign direct investment in the future. There are many good reasons to invest in Britain, but we know that 72% of firms that invest in this country say that our membership of the European Union is a key factor.

Andrew Percy (Brigg and Goole) (Con): Alongside genocide and war, we hear all about the threat to jobs of leaving the European Union. Will my hon. Friend tell me what will be done if we vote to stay in and continue to have unlimited immigration from 27 foreign countries? What will be done to protect my constituents, low-paid workers who have seen their wages flatline because of unlimited immigration?

Damian Hinds: We have already taken steps to ensure that people cannot just come here and claim benefits from day one. The renegotiation the Prime Minister secured addressed the unnatural draw of our in-work benefits system. I should also say that one should not assume that the effect on immigration would be quite as great as is sometimes supposed, particularly when we look at the other models of agreements with the European Union, a number of which include free movement.

Ms Margaret Ritchie (South Down) (SDLP): Does the Minister agree that a vote to leave the European Union on 23 June could have a negative effect on employment trends, particularly in Northern Ireland where 50,000 jobs are related to exports to the EU? The Chancellor saw the effect of that directly yesterday in Warrenpoint in my constituency.

Damian Hinds: I know that my right hon. Friend was in the hon. Lady's constituency yesterday. Northern Ireland is of course in a particularly sensitive position because of the land border with the Republic of Ireland, which would be a land border with the EU if we left. There are more people in work in Northern Ireland than ever before and we need to protect that.

Business Support

5. **Robert Jenrick** (Newark) (Con): What fiscal steps he is taking to support business. [905192]

The First Secretary of State and Chancellor of the Exchequer (Mr George Osborne): The Government are backing small and large businesses as part of our long-term economic plan. Our corporation tax rates are the lowest in the G20 and will fall even further to 17%. In the Budget, we cut the business rates burden in England for all rate payers and ensured that 600,000 businesses permanently pay no rates at all. This is a Conservative Government who support businesses and the jobs they create.

Robert Jenrick: In towns such as Newark, where 11,000 new jobs have been created under this Government, the task ahead is to attract not just any businesses but those that ensure that people are well paid. With that in mind, does the Chancellor acknowledge and agree that not only have 900,000 new businesses been created since 2010, but that the latest research by NatWest shows one in four working people are now in high-skilled, well-paid jobs?

Mr Osborne: My hon. Friend is right to point out all the good things that are happening in Newark. Across the east midlands, we have seen the creation of 53,000 new small and medium-sized businesses since we came into Downing Street—a remarkable achievement. We have to ensure that we continue to move people up the job scale and that their wages continue to grow. The good news is that of the jobs being created at the moment 80% or so are full time and the majority are in skilled occupations.

Stewart Hosie (Dundee East) (SNP): We all know the benefits of innovation to business and to the economy, so why does the Chancellor think his decision to change innovation support from grants to loans is anything other than a bad idea that will increase cost and risk to companies seeking to innovate?

Mr Osborne: I think the hon. Gentleman would accept, as I would, that it has been a challenge for the UK to turn good inventions in the laboratory into good inventions in the workplace that sell around the world. Our innovation support has had to be updated and modernised. The idea of loans is actually borrowed from a French initiative that has worked well in that economy, in terms of turning scientific invention into good products in the marketplace.

Stewart Hosie: That is a rather unconvincing answer. Of course it is not simply about innovation, but exports. We all understand the benefits to business and the economy of exporting more, so why does the Chancellor think it is a remotely good idea to take the decision to cut the UK Trade & Investment budget by £42 million

over the next four years, making it more difficult to export and more difficult for him to meet his own target of doubling exports by the end of the decade?

Mr Osborne: Over the past five or six years, we have greatly increased the UKTI budget, but as with every Department, since it is paid for by the taxpayers that the hon. Gentleman and I represent, we need to make sure we get value for money. The new head of UKTI is ensuring that the money is going to the frontline to support small and medium-sized Scottish exporters and others in selling around the world. He should welcome the enormous success of many Scottish businesses, from the whisky business to agricultural industries and manufacturing, in exporting around the world, with the support of UKTI—the clue is in the first two letters.

Mr Andrew Tyrie (Chichester) (Con): The Chancellor has introduced a subsidy for peer-to-peer lending tax relief on ISAs, which is a high-risk, high-return market. Most people support the intention, which is to increase competition in the SME lending market, but many are becoming concerned that some of these loans are being marketed to those who cannot reasonably be expected to understand the risks. What is the Treasury doing to ensure that the taxpayer does not end up encouraging the marketing of schemes to people who can least afford to lose the money?

Mr Osborne: At its own request, the peer-to-peer lending industry is now regulated by the Financial Conduct Authority, which is alert to the risks that my right hon. Friend identifies, but I wish to make a broader observation. In the financial crash, we saw the limitations of the UK's credit system, where many companies were reliant on bank finance. In the last few years, we have tried to broaden the range of financing options for small and medium-sized businesses, in terms of not just capital markets but innovative new products such as peer-to-peer lending. Using things such as ISA wrappers to encourage this new form of finance for small businesses is a good thing for our economy.

Valerie Vaz (Walsall South) (Lab): To help Welsh businesses, will the Chancellor consider abolishing the Severn crossing tolls in 2018, rather than just halving them?

Mr Osborne: By halving the tolls, we have taken a significant step to help Welsh businesses and businesses on the other side of the border, while ensuring we have the resources to maintain the bridge without having to draw on the same taxpayers through their tax bill.

Kevin Hollinrake (Thirsk and Malton) (Con): I have had business and broadband events at Easingwold, in my constituency, and this Friday we have invited several providers, including fibre and satellite providers, as well as providers of point-to-point wireless, which, in our experience, is the best solution for those in the hardest-to-reach areas. Will the Chancellor consider extending the excellent satellite voucher scheme to point-to-point wireless or allowing communities to pool vouchers to facilitate and fund community-based schemes?

Mr Osborne: I am happy to take a close look at my hon. Friend's proposal—I know what a rural constituency he represents. We have piloted support in north Yorkshire for rural businesses and their broadband links, and as announced in the Queen's Speech, we are considering

using the digital economy Bill to make broadband a universal service obligation, because we know what a transformative effect it can have on the rural economy.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): The Chancellor talks about supporting business, and like Labour I am sure he will want to see long-term sustainable business growth in Britain. After his six years at the helm, what is the forecast for business investment growth this year?

Mr Osborne: According to the forecast from the Office for Budget Responsibility, business growth this year and in the years ahead will be positive, whereas it was negative when I became Chancellor, so things are improving.

Seema Malhotra: The OBR has revised down business investment growth by a huge 4.9% since November, even after taking into account the fiscal measures the Chancellor has introduced, and we know that growth could fall further if we leave the EU. The acting head of the British Chambers of Commerce recently highlighted frustration among businesses over infrastructure projects, the huge skills gap, childcare, housing and the uncertainty around the apprenticeship levy. It almost sounds like gruel today without the jam tomorrow. Does the Chancellor agree with him?

Mr Osborne: Where was Labour's apprenticeship levy—before they complain about what we are doing? If Labour wants to contribute to this important debate about how we make our economy more productive, we will need a better contribution. The hon. Lady's Parliamentary Private Secretary has been in an email exchange with the hon. Member for Bishop Auckland (Helen Goodman) in which the latter complained about these questions at Treasury Questions, saying that the brief she had just been sent was a disgrace and demonstrated that the Labour Treasury team—

Mr Speaker: Order. The Chancellor should remain seated. If that is the sum total of what he has to contribute on his feet in response to that question, frankly it was not worth the breath. It was utterly feeble and constitutionally improper. Learn it—it is very simple!

Brexit

6. **Mr David Hanson** (Delyn) (Lab): What assessment he has made of the potential effect on the economy of the UK leaving the EU. [905193]

12. **Mr Jim Cunningham** (Coventry South) (Lab): What assessment he has made of the potential effect of the UK leaving the EU on the economy of (a) Coventry and (b) the west midlands. [905199]

The Exchequer Secretary to the Treasury (Damian Hinds): The projected rise in unemployment of 500,000 that I mentioned just now includes 24,000 people in Wales and 44,000 people in the west midlands. In the long term, the Treasury's central estimate is that GDP would be lower by around £4,300 per household by 2030 than it would be otherwise.

Mr Hanson: The head of the World Trade Organisation said yesterday that the process of negotiating deals outside Europe would take decades. Is that not one of the reasons why confidence would be hit, currency would fall and jobs would be lost, including the 24,000 in Wales that the Minister has mentioned, and why companies such as Hitachi have mentioned today that they would pull out of the United Kingdom? Do we not agree on this one, Minister?

Damian Hinds: I think we do agree on the turmoil that uncertainty can bring, and the uncertainty about future trade deals that the right hon. Gentleman raises is part of that. There is much more uncertainty as well, of course, for businesses that currently trade with other European countries and people who are employed in those countries or might be thinking of going to them. All these things generate uncertainty, which creates economic turmoil in the short run. There is a real danger of missing out on a very large number of third-party trades in the long run, when all the EU trade deals currently under negotiation are finished, which will account for some 80% of our trade.

Mr Cunningham: Can the Minister say what the economic benefits are of us being in the European Union, particularly in places such as Coventry and the west midlands, and more importantly what the impact on manufacturing is?

Damian Hinds: The automotive sector in the hon. Gentleman's constituency and elsewhere is particularly important. It is a high value-added sector that has been a great British success story in recent years and it has complex cross-border supply chains, so it is unsurprising that those speaking out in favour of remain include the chief executives of Jaguar Land Rover and Rolls-Royce and the chairman of the Coventry and Warwickshire local enterprise partnership.

Mr David Nuttall (Bury North) (Con): Considering that the UK has been a member of the EU for over 40 years and we still do not even have a trade deal with the United States of America, the largest economy in the world, does my hon. Friend not agree that our economy would benefit from the United Kingdom being able to negotiate our own free trade deals?

Damian Hinds: The businesses that I speak to say overwhelmingly that they feel they would get a better deal with the increased economic clout—five times the economic weight—that comes from being a member of the EU as opposed to Britain being on its own. All these trade deals take a long time, but when all the current EU negotiations are completed, the EU will have more trade deals with the rest of the world—so we will, too—than the United States and Canada combined.

Mr Philip Hollobone (Kettering) (Con): The living wage is a very attractive economic policy, especially in eastern Europe. Given the extensive financial modelling that my hon. Friend has conducted, can he tell the House his official estimate of the number of unskilled migrants coming to this country from eastern Europe in the first five years after a vote to remain?

Damian Hinds: The national living wage makes sure that British workers who are low paid cannot be undercut by people coming from other countries. It will be of

great benefit to our economy. It is also the case that as our legal minimum pay increases, we will still be within the middle range internationally.

Sammy Wilson (East Antrim) (DUP): Yesterday the Chancellor told the people of Northern Ireland that house prices would fall by 18% if we voted to leave the EU, even though the day before he said that housing costs would go up by 9%. He told us that 14,000 jobs would be lost in export industries, even though the exchange rate, which would help exports, was set to plummet, and made an uncanny prediction about incomes in 14 years' time. Does the Minister not realise that the Chancellor is expending his own credibility and that of the Government, given the panic that has now set in, by trying to sell the threadbare economic case for remaining in the EU?

Damian Hinds: Saying that house prices would come down but housing costs would go up is not inconsistent at all, as the cost of borrowing would go up. Northern Ireland is a special case when it comes to the housing market, but in many parts of the country people might say that while it would be a good thing for house prices to come down, that should not be a result of crashing the economy and making it more difficult for people to borrow.

As for the long-term forecast, it is, of course, difficult to predict what will happen 15 years hence. What the Treasury analysis seeks to do is say, other things being equal, what will happen to the 15-year forecast whether we are in or out of the European Union, and the answer is clear: in the central scenario, GDP will be hit to the tune of £4,300 per household.

Neil Carmichael (Stroud) (Con): Does the Minister agree that, given that so many international firms—including, most recently, Hitachi—have made it very, very clear that being in the European Union and in a single market means that this is a good country in which to invest, the obvious thing to do for the purposes of investment and jobs is remain in the European Union?

Damian Hinds: I do agree with that. The United Kingdom has the third highest stock of foreign direct investment in the world, coming behind only the United States and China. We are the biggest recipient of foreign direct investment in the European Union, and also from the EU. The experience of accession countries shows that the move into the European Union really does make a difference, and that it is not just about tariffs, but about membership of a customs union. Some, indeed most, of the alternative models do not include that, but it is very important in relation to, for example, the cross-border supply chains about which the right hon. Member for Delyn (Mr Hanson) asked earlier.

Geraint Davies (Swansea West) (Lab/Co-op): Only two countries, Germany and the Netherlands, run a surplus with Britain; the rest run a deficit. Does the Minister agree that in the event of a Brexit, those other countries would vote for tariffs—as, indeed, would Germany, in order to stop Japanese car imports? Has he created a model to assess what impact those tariffs would have on employment levels in the short and medium terms, and on inward investment? I suggest that the impact would be disastrous.

Damian Hinds: Different countries will have different interests, and no doubt they would come to the surface during the two years of the article 50 negotiations. A very large majority of other countries using enhanced qualified majority voting would be needed to agree a deal. Fundamentally, however, I do not think that this is about the deficit that one country has with the EU, or vice versa; I think that it is about the relative size of the export market to that country. While 44% of our exports go to the EU, the EU figure is 8% in the other direction, which means that in any negotiation, the other side will have the better hand.

Philip Davies (Shipley) (Con): Can the Minister explain why we are paying more than £10 billion net this year for a £68 billion trade deficit with a declining part of the world's economy, when anyone with even an ounce of common sense knows that it is possible to have a £68 billion trade deficit with a declining part of the world's economy for nothing?

Damian Hinds: I think that I detected a revised figure in my hon. Friend's assessment of our net contribution to the European Union. The fact is that for every pound that is paid in tax in this country, a little over a penny goes to the European Union. That is a cost—it is not a trivial cost, and I do not belittle it—but what comes with it are the trade benefits, the enhancement of our economy and the protection of jobs and investment that we want to see.

Exports

7. **Alan Brown** (Kilmarnock and Loudoun) (SNP): What steps he is taking to increase exports. [905194]

The Economic Secretary to the Treasury (Harriett Baldwin): Over the last six years, UK Trade & Investment has more than doubled the number of businesses that it helps. It now aims to help a further 100,000 firms to export by 2020.

Alan Brown: I thank the Minister for her answer, but it did not make it clear what is actually being done to increase exports. The Chancellor promised that his growth strategy would be underpinned by a doubling of exports to £1 trillion by the end of the decade, but to date his targets have been missed, and the export figures are moving in the wrong direction. What will the Government do to turn that dire performance around?

Harriett Baldwin: My right hon. Friend the Chancellor mentioned earlier the important work that UKTI is doing in not only promoting the Exporting is GREAT brand around the world, but, now—across the whole Government—encouraging all our embassies around the world to focus their resources on increasing the potential opportunities for our world-class exporters.

22. [905210] **Sir Henry Bellingham** (North West Norfolk) (Con): Is the Minister aware that more than 25% of small businesses in France and Germany export, whereas the figure in the United Kingdom is about 20%? Does she agree that not just UKTI, but chambers of trade and business organisations such as the Federation of Small Businesses, can play a role in encouraging more small firms, in particular, to export?

Harriett Baldwin: My hon. Friend is absolutely right that there is an important role to be played by not only our embassy network, but our chambers of commerce and the Federation of Small Businesses. I also welcome the fact that some of our larger banks have also set themselves targets for getting additional customers to start to export during the next five years.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Is the Minister aware that Huddersfield and Yorkshire are already a northern powerhouse in terms of manufacturing and the quality of partnership with universities? Is she aware that my universities in Yorkshire and the manufacturing sector are terrified that we will leave the European Union? It will bankrupt the universities and the manufacturing sector.

Mr Speaker: Did we get a reference to exports? I am sure that the hon. Gentleman meant to mention it.

Mr Sheerman: We have great exporters as well.

Mr Speaker: Well done.

Harriett Baldwin: The hon. Gentleman is absolutely right to highlight the fact that the UK's universities are unanimous in expressing the value that they put not only on higher education, but on the potential for those educated in universities to export in due course. He is absolutely right to highlight the fact that all other trade deals would be worse than the current zero-tariff trade deal that we have as a member of the EU.

Capital Gains Tax/Corporation Tax

8. **Clive Lewis** (Norwich South) (Lab): What assessment he has made of which groups within the UK population will benefit from planned changes to (a) capital gains and (b) corporation tax. [905195]

The Financial Secretary to the Treasury (Mr David Gauke): Changes to capital gains tax will provide greater incentives to invest in companies. Up to 130,000 individuals a year, including up to 50,000 basic rate taxpayers, are estimated to pay lower tax as a result of the changes to CGT. The further cut to the corporation tax rate to 17% announced at the Budget will benefit over 1 million companies, large and small, supporting UK companies to invest, grow and create jobs.

Clive Lewis: Treasury figures show that just 200,000 individuals will benefit from capital gains tax to the tune of £600 million in the first year—a giveaway of £600 million. On corporation tax, we have the lowest in G7—lower even than Saudi Arabia, Russia and China. At the same time, the Resolution Foundation found that the poorest 20% of families in this country will lose £565 over the course of this Parliament because of the Government's policies. Where is the social justice in that?

Mr Gauke: One of the hon. Gentleman's hon. Friends asked earlier about encouraging business investment, which we want to encourage because it is through having an environment in which businesses invest that we see improved productivity, the conditions for growth and people benefiting from higher wages. I say to the

hon. Gentleman, and to the House as a whole, that pursuing policies that favour business investment and encourage businesses to invest, such as cutting CGT and corporation tax, is important for all our constituents.

Richard Burgon (Leeds East) (Lab): In 2010, the Chancellor told this House that raising capital gains tax was necessary to

“create a fairer tax system.”—[*Official Report*, 22 June 2010; Vol. 512, c. 178.]

Given that the Chancellor is now cutting capital gains tax—overwhelmingly to the benefit of the richest 0.3% of people—what does he think has changed?

Mr Gauke: As I outlined a moment ago, the purpose of the tax measures is to encourage people to invest in businesses. The changes are specifically targeted at companies—the cut in CGT does not apply to residential property—and put in place an environment in which businesses can grow and prosper. That is absolutely the right approach to follow. I remind the hon. Gentleman that there are other countries that have taken different approaches, of which he has been full of praise. It is not quite working out in Venezuela, is it?

Disabled People: Government Expenditure

11. **Barbara Keeley** (Worsley and Eccles South) (Lab): What steps he is taking to ensure that disabled people are not disproportionately affected by reductions in government expenditure. [905198]

The Exchequer Secretary to the Treasury (Damian Hinds): The Government have protected the value of disability benefits, exempting such payments from the uprating freeze and exempting those in receipt of them from the benefit cap. Disability spending will be higher in every year to 2020, relative to both 2010 and today.

Barbara Keeley: That may be the case, but a 40% reduction in core Government funding to local authorities has led to cuts that affect services. Local authorities are required to provide short breaks for children with disabilities, but 58% of local authorities have cut their short break funding by 15% or more. It is Carers Week. What will Treasury Ministers do to reverse the trend and ensure that there is money for local authorities to fund those important short breaks?

Damian Hinds: We have provided funding for respite breaks. The hon. Lady is right to identify this as an important thing for carers in this, Carers Week. There are 200,000 more people now receiving carer's allowance in this country. The Care Act 2014 extends rights to assessments, and the Government are launching the new carer strategy in recognition of how important a role this is for millions of people throughout the country.

Mr David Burrowes (Enfield, Southgate) (Con): Recognising the risks of homelessness for disabled people, may I welcome the financial commitment in the Budget to prevent homelessness? But does the Minister recognise the risks of a local housing allowance cap on supported housing?

Damian Hinds: I, in turn, acknowledge my hon. Friend's welcome for the additional money for tackling homelessness that was in the Budget—and, indeed, that has been

provided previously. On the LHA cap, we now have a joint evidence review being conducted by the Department for Communities and Local Government and the Department for Work and Pensions, and the one-year exception, to make sure that we get this right, so that we can have a long-term, sustainable funding solution for this sector.

Contingencies Fund

13. **Diana Johnson** (Kingston upon Hull North) (Lab): In what circumstances the use of his Department's Contingencies Fund is authorised. [905200]

The Chief Secretary to the Treasury (Greg Hands): The Government seek parliamentary authority for their spending plans through supply procedure. Occasionally, expenditure on some services is so urgent that it cannot await normal procedure. The Contingencies Fund enables the Treasury to make repayable cash advances to Departments for urgent services, and Treasury officials assess cases on the basis of criteria set out in Treasury guidance.

Diana Johnson: Extra support being consulted on for contaminated blood victims is coming from the Department of Health's budget, where there is simply not enough money, yet previously central contingency funds have been used to deal with national scandals such as Equitable Life. Before the spending review, 18 MPs, from six parties, wrote to the Chancellor suggesting that the £230 million the Treasury was getting from the sale of the blood products company could fund a fair settlement for contaminated blood victims. We have had no reply, so will the Minister look at this again?

Greg Hands: I thank the hon. Lady for that question. I will ensure that she gets a reply, which she deserves, because this is a deeply distressing issue and the Government take it very seriously indeed. I do not believe it is appropriate to use the Contingencies Fund in this particular case. She will know that the consultation on the reform of financial support to those affected closed on 15 April, and we will be replying in due course. Meanwhile, the Department of Health has identified additional money—£100 million from its budget—for these purposes. This is in addition to the £22.5 million that it spends on this annually, as well as the further £25 million announced in March 2015. These steps will more than double the support.

Tax Transparency

14. **Owen Thompson** (Midlothian) (SNP): What steps he is taking to improve tax transparency. [905201]

The Financial Secretary to the Treasury (Mr David Gauke): The Government have played a leading role in driving forward international action on tax transparency. The introduction of country-by-country reporting has increased the transparency between multinationals and tax authorities, and we are pushing for this to be made public on a multilateral basis. We led the way throughout the development of the common reporting standard, which will see more than 100 countries automatically exchange information on financial accounts, and on a similar initiative for the automatic exchange of beneficial

ownership information. We have consistently advocated for public registers of beneficial ownership, with the UK's going live as of this month.

Owen Thompson: The planned closure of 137 HMRC offices has clearly been affecting employees, their families and communities. What steps has the Minister taken to look into introducing a moratorium on these closures, to support the wider work of improving tax transparency?

Mr Gauke: I commend the hon. Gentleman's ingenious ability to raise this issue. It is important that HMRC's funds are spent efficiently, to ensure that they are spent on delivering the tax being collected that we want, rather than on buildings. The savings from buildings are being spent on collecting more tax.

Nigel Mills (Amber Valley) (Con): The Minister will have seen the different approaches that the French and UK authorities have taken towards cases such as Google's. What more can he do to ensure that Parliament and the public have faith that HMRC is getting good deals in such situations? For example, will the National Audit Office be allowed to review those most high-profile cases and give some assurance that a good deal was achieved?

Mr Gauke *rose*—

Robert Jenrick (Newark) (Con) *rose*—

Mr Speaker: Order. Let me gently mention that we have already heard from the hon. Member for Newark (Robert Jenrick)—I remember very well his question, and I rather hope he does. It is one per session—*[Interruption.]* He can try again at topicals, but not in substantives.

Mr Gauke: Thank you, Mr Speaker. What I say to my hon. Friend the Member for Amber Valley (Nigel Mills) is that, some years ago, HMRC brought in an assurance procedure to ensure that all such settlements are properly scrutinised. HMRC is very confident that it has reached a fair and proper settlement with Google. It is worth pointing out that, in recent years, we have seen increases in revenue collected by HMRC and increases in yield from its compliance activities including from large businesses.

John McDonnell (Hayes and Harlington) (Lab): If we are to tackle tax evasion and avoidance effectively we need to remain within the EU. Will the Chancellor and the Minister join me in calling on all MEPs to support the new anti-tax avoidance directive being voted on in the European Parliament tomorrow? Conservative MEPs abstained at the Committee stage, and this morning there are worrying noises that they may be thinking of abstaining once again. Will the Minister make it clear now that Conservative MEPs will be voting for the directive?

Mr Gauke: The anti-tax avoidance directive was discussed a couple of weeks ago at the ECOFIN meeting, which I attended. The UK made the case for us taking strong action and working through an anti-avoidance tax directive. What we suggested and proposed was taken on board. The matter will also be addressed at the ECOFIN

meeting next week. The UK is pushing for progress and it is working co-operatively with other member states to ensure that we do make progress.

John McDonnell: I am mystified as to whether Conservative MEPs will be voting for the directive tomorrow. I just live in hope that they will. The European directive did show the value of European Union co-operation in tackling tax avoidance and evasion. As part of that co-operation, following the raids on Google's Paris offices, will the Chancellor inform the House what arrangements are in place with the French authorities for sharing information from the raid? If new evidence comes to light, will the Chancellor stand ready to reopen his deal with Google?

Mr Gauke: The first point of which I must remind the shadow Chancellor is that all settlements are reached by HMRC. Operational matters are rightly for HMRC, and not for Treasury Ministers. Of course if there is new evidence, HMRC will take it into account. The position is that HMRC has made it very clear that, under the law that existed between 2005 and 2015, it believes that it has reached a settlement that ensures that the right amount of tax has been collected—and that is what its job is. Our job is to ensure that it has the tools and the rules, and that is what we are delivering.

Topical Questions

T1. [905214] **Mrs Flick Drummond** (Portsmouth South) (Con): If he will make a statement on his departmental responsibilities.

The First Secretary of State and Chancellor of the Exchequer (Mr George Osborne): The core purpose of the Treasury is to ensure the stability and prosperity of the economy.

Mrs Drummond: We are all extremely grateful that the Treasury was able to have funding for local infrastructure projects, which clearly shows the success of the Government's policies. However, there has been no major investment in rail infrastructure in Hampshire for nearly 60 years, and that is holding back our productivity. Will my right hon. Friend meet me, local councils and local enterprise partnerships to sort out this issue as a matter of urgency, as we have committed to build 102,000 new homes by 2030 and our roads are already full?

Mr Osborne: My hon. Friend is absolutely right to raise the issue of investment in infrastructure in Hampshire and in her constituency of Portsmouth. There is money going into the road infrastructure, such as the M27, and some investment in rail infrastructure, such as Southampton Central station, but, clearly, there is room to do more. As someone who has some experience of the rail services from Portsmouth, I know that they are not as good as they could be. I am very happy to meet her, her colleagues and local businesses to see what more we can do.

T4. [905217] **Martyn Day** (Linlithgow and East Falkirk) (SNP): In Scotland, we have introduced robust anti-avoidance rules—they are among the toughest in the world—on devolved taxes. The Scottish National party

has repeatedly called on the Chancellor to embolden compliance by guaranteeing that the beneficial ownership of companies and trusts is made public. Has he taken steps to assure the people of the UK that this progressive step will happen?

The Financial Secretary to the Treasury (Mr David Gauke): The UK is bringing in a register of beneficial ownership for companies. On trusts, where there are tax consequences that will also be included. So, yes, the UK is leading on that, and we are pretty much the first country to do so.

T2. [905215] **Maggie Throup** (Erewash) (Con): I have been contacted by a number of constituents who are having difficulty with this year's online HMRC self-assessment system, particularly with the level of customer service they are getting from the helpdesk. Will the Minister look into this issue as a matter of urgency so that we can get a speedy resolution to the problems and ensure that my constituents are not penalised?

Mr Gauke: I would be very happy to meet my hon. Friend to discuss the specific points, but I would also say that the customer performance of HMRC last year was clearly not at an acceptable level. In the run-up to the self-assessment deadline at the end of January 89% of calls were getting through first time and the average waiting time was less than five minutes. That can be improved on, but we should note that it is a much higher performance than has been achieved in HMRC's previous history.

T5. [905218] **Cat Smith** (Lancaster and Fleetwood) (Lab): I note that the Minister has yet to respond properly to the shadow Chancellor's question about the new anti-tax avoidance directive in the European Parliament, which is being voted on tomorrow. In light of Conservative MEPs' abstention at the committee stage, will someone now confirm whether they will support it tomorrow?

Mr Gauke: Just to be clear, the text of the anti-tax avoidance directive has not been finalised. It was discussed at the ECOFIN meeting a couple of weeks ago and will be discussed again in a week's time, on 17 June. It has not been finalised. What I can say is that the UK Government's position is very clear: we want something strong and effective, and that is the case that we have been advocating in the Council of Ministers.

T3. [905216] **James Berry** (Kingston and Surbiton) (Con): The devolution of business rates, allowing local areas to shape their own future, will be of a real benefit to my constituents in Kingston, who pay some of the highest council taxes in the country and receive one of the lowest Government grants in return. Will my right hon. Friend confirm when the first business rate devolution deals will be rolled out and whether Kingston can be at the front of the queue?

Mr Osborne: My hon. Friend and his local council have been at the forefront of calling for this major reform of local government finance, which is, of course, now being undertaken across the whole country. I can

confirm that London will be moving ahead of many other areas and we will start the retention of business rates in local areas from April 2017.

T7. [905220] **Mike Weir** (Angus) (SNP): The eye-watering costs of the proposed new nuclear power station at Hinkley Point C will put public finance at risk, as well as the strike price, pushing up energy bills for businesses and consumers. Will the Chancellor redirect this investment to cleaner, safer and cheaper energy sources such as renewables and carbon capture and storage?

Mr Osborne: The first thing I would say is that there were those remarkable figures recently showing that 25% of UK electricity generation is now from renewable energy. That is second only to Germany and is an amazing transformation in our energy supply under this Conservative leadership. Secondly, we need to renew the next generation of nuclear power stations, starting with Hinkley Point, but the deal we have signed makes sure that taxpayers are not exposed to the construction risk.

T6. [905219] **Bob Blackman** (Harrow East) (Con): I note that the Government will publish a report on the progress of payments to Equitable Life policyholders who are victims of the great scam, and I congratulate the Government on the progress that has been made to compensate those individuals. Will my right hon. Friend undertake to review the amount of money paid to victims of the scam so that we can fulfil the debt of honour that we owe them?

The Economic Secretary to the Treasury (Harriett Baldwin): I can announce that although the Equitable Life payment scheme is now closed to new claims, payments being made under the scheme to with-profit annuitants are not only tax free but will continue for the life of the relevant annuity.

T8. [905221] **Steven Paterson** (Stirling) (SNP): June's OECD economic outlook revised down its prediction for UK GDP growth. This latest fall arises in the aftermath of the International Monetary Fund's health check of the UK economy, which concluded that GDP growth was also paltry. When will the Chancellor listen to the experts and offer much-needed investment instead of ideologically driven austerity?

Mr Osborne: Both the downward revisions to which the hon. Gentleman refers—from the OECD and the IMF—are specifically for this year and in both cases the organisations attribute that to the referendum on our membership of the EU and the potential exit from the EU. They say that if the country votes to remain, however, they expect activity to bounce back and they have not revised down growth for next year.

Chris Philp (Croydon South) (Con): Does the Minister share my concern about the activities of ambulance-chasing law firms which encourage fraudulent whiplash claims, of which I have had personal experience? Can the Minister update the House on the Government's plans to clamp down on this outrageous practice?

Harriett Baldwin: I hope that my hon. Friend has experienced only the ambulance chasers, not the whiplash. He is right to highlight the cost that this puts on motorists, which we estimate is about £90 a year for every motorist in the country. That is why we have already taken steps to reform this area. Last year in the autumn statement we announced further reforms, which will remove the right to cash compensation for minor whiplash injuries, while ensuring that genuine claimants are rehabilitated.

Greg Mulholland (Leeds North West) (LD): Genuine tax avoidance must be tackled, but HMRC pursuing people who invested legally in schemes, not to avoid tax, and who are now being hit with accelerated payments, is an affront to natural justice, treating them as guilty until proved innocent. Will the Chancellor meet me and a group of people who are seriously detrimentally affected by this?

Mr Osborne: I am afraid I completely disagree with the hon. Gentleman. He is opposing a measure that we have introduced which says to people who are in dispute with HMRC about the money they pay because of their potential use of tax evasion or avoidance schemes that they should pay up front and, if they win their case, they get their money. Every other taxpayer has to do that. As a result of the measure, we have raised hundreds of millions of pounds for public services and won some key court judgments. I find it remarkable for a Liberal Democrat to be siding with those who want to try to evade their taxes.

Michelle Donelan (Chippenham) (Con): Does the Chancellor agree that we need to work with our businesses to tackle our productivity gap and especially to ensure that we have a skilled workforce in engineering and design and technology to boost our economy further?

Mr Osborne: I completely agree with my hon. Friend, and I know how much she champions skills in her constituency in Wiltshire. The apprentice levy, which has now been legislated for, will ensure that we are able to increase the number of apprentices in this country towards the 3 million that we committed to in the manifesto. Crucially, more money will go into skilled apprenticeships in fields such as design and engineering. She wants to see more of those, and so do I.

Chris Evans (Islwyn) (Lab/Co-op): Many constituents of mine, including those working at RF Brookes, tell me that their employers are attacking their terms and conditions because of the national living wage. Does the Chancellor agree that this abuse should not go on as it is giving constituents of mine an overall pay cut?

Mr Osborne: We certainly expect businesses to pay the national living wage and to honour not just the letter of the law—we have increased enforcement of the living wage through HMRC—but the spirit of it, which means that employers should pay that wage and not find ways to cut other allowances to make good on the pay bill.

Ben Howlett (Bath) (Con): I welcome the Government's support for the reporting of gender pay gap figures. What steps is the Minister taking to reduce the gender pay gap in the financial services sector?

Harriett Baldwin: I welcome this question because our financial services sector is not only our highest-paid sector, but the one with the widest gender pay gap. That is why we launched the Women in Finance charter, and we are asking all financial services firms to implement the recommendations in the excellent review by Jayne-Anne Gadhia, the chief executive of Virgin Money, on the representation, or rather the under-representation, of senior women in financial services.

Debbie Abrahams (Oldham East and Saddleworth) (Lab): The Government have made significant public spending cuts affecting disabled people, including nearly £30 billion of cuts in social security to 3.7 million disabled people. Given that disabled people are twice as likely as the general population to be living in poverty, how many more disabled people will be living in poverty by 2020?

The Exchequer Secretary to the Treasury (Damian Hinds): In fact, spending on disability benefits is going up, not down. There are many more personal independence payments claimants getting the highest rate than there were under disability living allowance; 200,000 more people are getting carers allowance; 22,000 more people are getting help through Motability, and we have a firm commitment to work towards halving the disability employment gap, which is so important for driving up incomes. The gap has remained stubbornly wide, but the most recent quarter showed a small decrease.

David Morris (Morecambe and Lunesdale) (Con): In 1945 there was a dream of a link road from what is now the M6 to Heysham port, through which 10% of our GDP comes in. That link road will soon be opening. Does my right hon. Friend the Chancellor agree that that part of the long-term economic plan is to show that this area of Lancashire will be regenerated? More to the point, would he, diary permitting, like to open the road?

Mr Osborne: I remember visiting the road with my right hon. Friend the Prime Minister just days before the general election. Because our hon. Friend had been such a champion of his constituency, his constituents said, "Let's have him back in Parliament championing more investment in Lancashire." Diary permitting, I would be delighted to open the link road. Indeed, when I was at Warrenpoint in Northern Ireland yesterday, I met the company that trades between Heysham and Warrenpoint, and it is investing in new jobs there.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): The Wales Bill being introduced later today will leave Wales with a vastly inferior fiscal settlement to those for Scotland and Northern Ireland. Why cannot Wales have full income tax powers like Scotland, corporation tax powers like Northern Ireland and air passenger duty powers like both those countries?

The Chief Secretary to the Treasury (Greg Hands): I totally agree with the hon. Gentleman that we need to get on with income tax devolution. I will be having further meetings with the Welsh Government to ensure that we do that. At the same time, we need to look at questions such as how to adjust the block grant, which of course will depend on what is devolved and when. We have also set the funding floor at 115% for the duration of this Parliament.

James Morris (Halesowen and Rowley Regis) (Con): The black country economy in the west midlands has been one of the fastest growing sub-regions in the UK over the past few years, with new jobs and investment. Does the Chancellor agree that we need to continue to focus on investing in growth in the black country and avoid the economic risk that would come from us leaving the European Union?

Mr Osborne: I agree with my hon. Friend on both points. First, I think that there is an enormous amount of exciting news in the black country, with businesses there growing and creating jobs, and more investment is coming into the part of the country he represents so well. Secondly, I think that economic growth would be at risk if we left the European Union. We have today heard warnings from the chairman of the Federal Reserve, the head of Hitachi and the head of the World Trade Organisation, all telling us that there is a real economic risk for the UK if we vote to leave.

Fiona Mactaggart (Slough) (Lab): What assessment has the Chancellor made of the impact on the British economy of overcrowding in airports in London and the south-east, and how much will further delay cost us?

Mr Osborne: It is absolutely clear that we need additional runway capacity in the south-east of England. That is what the Davies report suggested. Of course, the Government now need to come forward with a conclusion to that report, but we wanted to address the issue of air quality. When we raised that issue, some people asked whether it was necessary to look into it. If we look at the debates in the mayoral contest over the past few months, we see that air quality is an important issue to get right. We are close to finishing that work, and then we will report back on the Davies commission and future airport capacity.

Mr Speaker: Order. Before I call the hon. Member for Denton and Reddish (Andrew Gwynne) to put his urgent question, I should explain that, on account of the subsequent business, its importance and the likely level of subscription to it, the UQ will run for a maximum of half an hour, so the limits on the Front Benchers and Back Benchers involved do need to be observed.

NHS Commissioning (Pre-Exposure Prophylaxis)

12.38 pm

Andrew Gwynne (Denton and Reddish) (Lab) (*Urgent Question*): To ask the Under-Secretary of State for Health if she will make a statement on NHS commissioning in relation to HIV pre-exposure prophylaxis.

The Parliamentary Under-Secretary of State for Health (Jane Ellison): I am grateful for the opportunity to respond to this urgent question. As the House knows, HIV can be a devastating illness, and we know that pre-exposure prophylaxis—PrEP—can make a difference to those at risk of contracting HIV and to those who are already HIV positive. However, it is crucial that we have a full understanding of all the issues surrounding PrEP.

As with any new intervention, PrEP must be properly assessed in relation to clinical effectiveness and cost-effectiveness. That is why we have today asked NICE to conduct an evidence review of Truvada for PrEP of HIV in high-risk groups. This evidence review signifies the next step forward and will inform any subsequent decisions about commissioning. It will look at the evidence for effectiveness, safety, patient factors and resource implications. The NICE evidence summary will run alongside a pilot scheme in which we are investing up to £2 million. Public Health England is currently identifying the most effective places for the pilot to take place.

It is also important to remember that Truvada, the drug used for PrEP, is not yet licensed for this use in the UK. That is why, as well as the pilot scheme, the Government want to see the evidence review, which will help to inform future commissioning decisions about PrEP.

PrEP is only one of a range of activities designed to tackle HIV, which is of course a Government priority. It is also important to stress that the challenge remains of tackling high rates of some sexually transmitted infections, particularly in high-risk MSM—men who have sex with men—communities. Our £2.4 million national HIV prevention and sexual health promotion programme gives those at highest risk the best advice to make safer choices about sex.

The UK has world-class treatment services and is already ahead in reaching two of the three UNAIDS goals of ensuring that we have 90% diagnosed infection, 90% of those diagnosed on treatment and 90% viral suppression by 2020. In 2014, 17% of those living with HIV had undiagnosed infection, but 91% of those diagnosed were on treatment, of whom 95% were virally suppressed. We are determined to continue to make real progress to meet these goals, and we are considering carefully the role that PrEP can play in helping us to get there.

Andrew Gwynne: I thank the Minister for that reply. This is a subject we do not debate enough in the House, and I am grateful to Mr Speaker for giving us the opportunity to debate it today.

Seventeen people are diagnosed with HIV every day. Each year, there are thousands of new infections. In the UK, there are more people living with HIV than ever before. We know that PrEP has the potential to be a game-changer—it has proved effective in stopping HIV

transmission in almost every case—yet as a result of this latest decision, this life-changing drug will remain inaccessible to people at risk of HIV. Does the Minister therefore share my concern about the precedent this decision sets in terms of NHS England shunting other preventive costs on to local government? Will she explain why pre-exposure prophylaxis is being dealt with differently, compared with the correct commissioning model for PrEP, or post-exposure prophylaxis?

I want to ask the Minister three specific questions. First, does she accept that, under section 7A of the National Health Service Act 2006—a mechanism by which the Secretary of State can delegate power—the Health Secretary can give NHS England the power to commission PrEP? If so, why has he not done so? Secondly, if the Government expect local authorities to commission PrEP, how much additional funding will the Minister make available to them? Can we assume that there will be no further cuts to public health grants, or is this just a case of passing the responsibility and the financial buck? Thirdly, on the next steps, I understand that key stakeholders, including the National AIDS Trust, have written a joint letter to the Public Health Minister requesting an urgent meeting. Will she today agree to meet them to see whether a way forward can be found without the need for costly, protracted legal action?

PrEP has been described as the beginning of the end for the HIV epidemic. It is time for the Minister to show some leadership, to use the section 7A powers she has and to think again.

Jane Ellison: Some of the shadow Minister's questions are simply ahead of the moment, as it were. As I said clearly in my statement, NHS England has made clear how it feels about being the commissioner, based on a legal argument that it has published. No decision has been made about who the commissioner is. Clearly, we need to reach a decision, and we discussed that earlier today in the Health Committee. However, there are a number of stages we have to go through—as I say, the drug is not even licensed for use as PrEP in the UK.

We have set out a series of stages we will go through, which will help to inform a final decision. On the questions the hon. Gentleman posed, we are not in a position to make a judgment. There is more we need to know about clinical effectiveness and cost-effectiveness and about the pilot—

Andrew Gwynne: We know.

Jane Ellison: No, that is not the case. There has been an important study—the PROUD study—but that looked at clinical effectiveness. There is a wider piece of work to be done—of which the pilot programme that we have announced is part—to enable us to understand where PrEP fits in in terms of clinical and cost-effectiveness, and how it fits into the HIV prevention landscape more broadly, alongside other HIV interventions that are commissioned. There is work yet to do, but we are not standing still. We have announced this important pilot and committed money to it, and we have asked NICE for an evidence review. All this will go into our consideration.

Mike Freer (Finchley and Golders Green) (Con): I agree with the shadow Minister apart from on one thing, which is his asking my hon. Friend the Minister

to show leadership. Having campaigned on many male sexual health issues as chair of the all-party parliamentary group on HIV and AIDS, I can say that this Minister has been unfailingly supportive in addressing many of the issues facing not just men's sexual health, but particularly gay men's sexual health. I therefore take issue with that call for leadership.

Having said that, I have lost too many friends to AIDS over the years not to challenge NHS England's decision not to fund PrEP. HIV infection rates in this country are on the increase and existing strategies are not working. It is not acceptable to suggest that we simply continue to do the same. I have a meeting with the Minister on 13 June. Will she agree to widen that to other stakeholders?

Jane Ellison: I thank my hon. Friend for his kind words. I take this issue extremely seriously. He is right to say that we face a challenge in relation to HIV rates, and particularly, as I said, STI rates in the high-risk MSM community. I stress again that while it will no doubt have an important part to play, PrEP is not a silver bullet for sexual infections, particularly in some of those high-risk groups. It is important to understand that. We have to continue to look at a whole range of measures. When I recently met the chief executive of the Terrence Higgins Trust, we touched on this.

As my hon. Friend says, we have a meeting coming up. I apologise for not responding to the shadow Minister's question about meeting stakeholder groups. Of course I will meet all the key stakeholder groups. I have already had some formal and some informal discussions on this, but of course I am very open to having further such discussions. Stakeholders were involved in the process that NHS England has been involved in. NHS England has made its position clear, and there is a matter due to go before the courts on which I will not comment further. Yes, I will engage on this. Yes, of course I accept that we need to do more, and of course we all share the concerns about rising HIV infection rates, particularly among the MSM community. I too lost friends to the AIDS epidemic that my hon. Friend mentions. I take this issue extremely seriously, but we have to follow a sensible process, and that is what the Government are doing.

Dr Philippa Whitford (Central Ayrshire) (SNP): Anyone in this House will be glad to see the results of the PROUD study and the 85% reduction in new infections. However, there is more to understand, in that we did not see a good response in heterosexual women. While over 40,000 HIV sufferers in the UK are men who have sex with men, 60,000 are heterosexual or bisexual, predominantly of African origin, and we need to think of them in this regard.

My main complaint is on the failure to go through a process of looking at clinical evidence and cost-effectiveness and then making a decision. Why was the company not encouraged to get through this earlier and go to NICE? I do not understand why we are only going to NICE now, because that gives the answer that we need. It is relatively poor of NHS England to have made the decision on the basis of, "It's not our job—it's your job." That is the most insulting bit for the community. In Scotland, our Cabinet Secretary asked it to go through the European Medicines Agency, which it applied for in

February, and then the Scottish Medicines Consortium. It is on the right path now, but that is where we should have gone first.

Jane Ellison: It is probably worth clarifying that we asked NICE to undertake an evidence review, not a technology assessment. What drugs are licensed for are matters for drug companies to address. The Government do not initiate the process on whether a drug is licensed—the drug company must initiate it. It also worth noting that when a drug is licensed for a new purpose, as would be the case for Truvada in PrEP, the company could apply for the patent to be extended to cover this new use. Again, that is something that the drug company would do.

On the hon. Lady's first point, I agree that we need to consider the impact on women in the circumstances she described. That is one of the arguments for carefully planning this pilot programme and taking those sorts of factors into account.

Dr Andrew Murrison (South West Wiltshire) (Con): The process that the Minister has outlined is correct, but does she recognise that the French Government have already approved Truvada for pre-exposure prophylaxis, and does she understand the urgency in this? The results of the UK PROUD study, funded by the MRC, are quite unequivocal, so we really need to get this going. Will she also reflect on the fact that the study showed no difference in the incidence of other sexually transmitted diseases, because Truvada does not protect against them, so the message has to go out that a condom is absolutely essential?

Jane Ellison: My hon. Friend is quite correct on his latter point about the impact of PrEP. Whether it was commissioned or not, and whoever it was commissioned by, we would still have the significant challenge that he describes around STIs. Drug-resistant gonorrhoea, for example, is a problem that we are increasingly aware of.

There are international comparisons that we can look at, as my hon. Friend mentions. I have looked at the matter in some detail, and the picture across the world is that many countries are in broadly the same position as the UK. They are trying to understand, leaving aside the question of clinical effectiveness, more about how PrEP can be used as part of an HIV prevention programme in broader cost-effectiveness terms, and how it compares in cost-effectiveness terms with other available interventions. My hon. Friend is right that there is work to do, and we are not resting easy on this. We are moving forward, and we are working on and planning these pilots now.

Mr Ben Bradshaw (Exeter) (Lab): When does the Minister expect the damaging buck-passing between NHS England and local authorities, which is one of the disastrous results of the Health and Social Care Act 2012, to be resolved? Does she agree that it would be far more appropriate for NHS England to be the commissioner of something like PrEP than for local government to commission it? Finally, will she be very cognisant of the danger that we are going back to the bad old days when certain groups were stigmatised? Stigma is disastrous for public health policy, and it will result in an explosion of sexual disease in this country if we do not always

[Mr Ben Bradshaw]

bear in mind the danger that decisions by NHS England—not just on this, but on drug treatment for hepatitis C—may have a disastrous impact on public health.

Jane Ellison: The NHS England position is based on a legal argument, and as the matter is likely to go before the courts, it is not really appropriate for me to comment further. There was a little discussion this morning on this subject in the Health Committee, for which some Members were present. I have laid out a process by which we will work out how and where this is commissioned. Clearly, we need to identify the commissioner.

I do not accept the right hon. Gentleman's challenge about fragmentation, simply because if we look around the world at a series of very different health systems, we see that they are all going through broadly the same process of understanding where PrEP sits. There are a number of options, but first we need to go through this work. On his latter point about stigma, he is right to identify that it is a significant concern, but I do not accept that that is what this represents. He knows my personal commitment to tackling stigma, and we could not have made it clearer that addressing rising HIV rates, addressing STIs in the MSM community and looking at the challenges surrounding things such as chemsex are all very much front of mind, and we have given considerable time and thought to them. We must challenge stigma wherever it rears its head.

Mr Philip Hollobone (Kettering) (Con): Given the challenges of HIV, I think that my constituents would be excited by the prospects that PrEP offers. They would, however, be a little disturbed by the fact that every country in the world seems to be going through the same process, and duplicating, replicating and holding up what could be a very exciting development to combat the spread of HIV across Africa. Many countries are suffering from this far worse than we are, and they would be horrified by the thought that the process could get bogged down in a court when this treatment, if it were available, could do very real good.

Jane Ellison: My hon. Friend is right to recognise that PrEP has potential. It is, in fact, being used in some places internationally. The point I was making was that there is no simple, one-size-fits-all solution. Different countries have different challenges. For example, the level of HIV prevalence and the services available to manage that prevalence, and to manage testing, are very different in different countries. That forms different landscapes into which PrEP might fit. To give an example from Africa, PrEP was licensed last year, and it will be available for sex workers in selected sites. HIV prevalence among female sex workers is estimated to be just under 60% in South Africa. There are different contexts in which PrEP is being taken forward, and that is just one of them.

Helen Hayes (Dulwich and West Norwood) (Lab): Local authorities' public health budgets are being stretched to breaking point, and this is arguably one of the false economies of this Government's approach, in terms of its impact. Does the Minister agree that in the context of such stretched budgets, the implication that local

authorities should fund PrEP is simply unworkable, and will she make it clear that her position is that NHS England is the natural commissioner of PrEP?

Jane Ellison: I have been very clear about NHS England's position, and I have said that no decision has yet been made about commissioning. I do not accept the hon. Lady's challenge about spending on public health. We have committed to spend £16 billion over the next five years on the public health grant. In addition to that, we have committed more than £1 billion this year alone in the section 7A agreement and £300 million on vaccines that we buy in the Department of Health, plus system-wide leadership through things such as the sugary drinks levy and the forthcoming childhood obesity strategy. All in all, this is the radical upgrade in prevention that was talked about in the NHS "Five Year Forward View".

Ben Howlett (Bath) (Con): I join my hon. Friend the Member for Finchley and Golders Green (Mike Freer) in thanking the Minister for her work, and in particular for engaging with the LGBT community. I know that they are quite concerned about last week's statement by NHS England. Given the disappointing outcome of NHS England's PrEP review and the fact that we have the worst of all scenarios, which is effectively a legal challenge, will the Minister commit to finding a way round the NHS England decision while a new trial is under way? Does she agree that the accelerated medicines pathway could provide a perfect platform for bypassing the frustrating system that we are talking about?

Jane Ellison: I will reflect on the latter point with my hon. Friend the Minister for Life Sciences, who is sitting alongside me. I have made clear the NHS position on commissioning. The measures that I have announced today—the NICE evidence review and the trial that we are planning for, which we will move forward with later in the year—are all part of understanding how we get to the right decision. It is not something on which I will make a snap decision now, but we have set out a process by which we can get to that point.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): As a vice-chair of the all-party group on HIV and AIDS, I share many of the concerns expressed by the chair, the hon. Member for Finchley and Golders Green (Mike Freer). Many people in the LGBT community share our concerns about the current situation. Much as I respect the Minister, I was a little disappointed that she appeared to cast doubt on the efficacy of PrEP. As well as the PROUD study, there have been two other major studies, and 30,000 people are using PrEP in the US. There is clear evidence of its efficacy. Can the Minister give hope to people out there that this is not a political decision or a cost decision? Will she reverse it? Will she use her section 7A powers and take the right decision on this issue?

Jane Ellison: We have not made a decision on commissioning yet. We have laid out a pathway. Let me be clear: I completely understand and accept the point about clinical effectiveness. The point I was making was that there are wider considerations about how we commission something in the context of a whole series of HIV prevention services. That is slightly different

from clinical effectiveness, on which the PROUD study showed very good results. I am not saying that it is not clinically effective; we just have to understand more about how it sits in the context of everything else that we do, and we have to understand more about its cost-effectiveness. The modelling work that was undertaken indicated that PrEP can be cost-effective for some high-risk groups, but the period over which that cost-effectiveness pays back needs to be more broadly understood.

Stewart Malcolm McDonald (Glasgow South) (SNP): I do not doubt the Minister's commitment to this issue, but she has to understand how it looks to the outside world. This is a Government who brought forward legislation to ban poppers, for goodness' sake, but it looks as though they have got their head in the sand over PrEP. Israel, Kenya, Canada, France and the United States all get it. Why are we so far behind?

Jane Ellison: The first point is a red herring, because I understand that the matter has been resolved. I do not accept the hon. Gentleman's criticism. It is slightly disappointing, although I understand the reason for it in the context of this urgent question, that Members are forgetting that the UK has a world-leading position on HIV treatment in all the ways that I laid out in my response to the urgent question. Our movement towards the UNAIDS goals is very significant, so to say that the UK is somehow not a leader in HIV treatment and prevention is not right. We have clearly acknowledged that PrEP has a role to play, but we need to understand more about what that is.

Chris Elmore (Ogmore) (Lab/Co-op): Will the Minister clarify her previous answer in which she said that she is putting aside the clinical significance of this? I find it quite confusing that she can do that. Does she agree that although the UK has been a leader in HIV prevention for decades, our progress is under threat because of her decision? Will she now think again?

Jane Ellison: Not for the first time, may I clarify that no decision has been made about the commissioning of PrEP? I am therefore not sure why the hon. Gentleman would say that. I have been very clear about the clinical effectiveness. What I am saying is that there is more work to do to understand the wider cost-effectiveness of this in the context of the commissioning of HIV prevention more broadly.

Neil Coyle (Bermondsey and Old Southwark) (Lab): My constituency falls wholly within the borough of Southwark, which has the second highest HIV prevalence in the country. What assessment are the Minister and the Department making of the potential impact of this policy change not only on my constituents, but on the long-term costs for the NHS if PrEP is not available?

Jane Ellison: There is no policy change and I have laid out the position. It is important to understand that even in the modelling work that has been done, PrEP is not a silver bullet. It has an important part to play, but it is not a silver bullet in terms of HIV prevention and it does not affect some of the broader issues that I mentioned in my response, for example in respect of STIs.

Greg Mulholland (Leeds North West) (LD): This is another example of the over-cluttered, over-bureaucratic and confused system for approving drugs in this country.

May I draw the Minister's attention to the fact that NHS England promised £2 million to allow 500 people to be treated in this way? Does she understand people's dismay that it is now passing the buck and saying that it is down to local authorities, which we all know are incredibly cash-strapped?

Jane Ellison: The NHS is seeking clarity through the courts on its own position. No decision has been made about who will be the final commissioner for PrEP, so what the hon. Gentleman said is not quite right. The £2 million that has been committed to the pilot is important and will inform our understanding of this important intervention.

Fiona Mactaggart (Slough) (Lab): Slough has an extraordinarily high incidence of HIV and AIDS, much of it undiagnosed. Our local authority is the smallest unitary authority in the country and has faced cuts to its central Government funding of 50%. It has no prospect of being able to fund a challenge of this size. Does the Minister understand that this delay in sorting out who will pay for PrEP will lead to the deaths of hundreds of people in Britain?

Jane Ellison: As I have mentioned, Truvada is not yet licensed for use as PrEP in this country. We have set out a process by which we can understand far more about how PrEP might fit into the landscape. The right hon. Lady mentioned undetected HIV. The Government have invested significant effort and funding into detecting HIV. We have the world's first home testing service and last year we launched the major HIV innovation fund, which has come up with some new and extremely cutting-edge ideas on how to improve HIV detection and diagnosis. I fully accept that this is a major challenge in her area, but PrEP is only one part of a wider programme of work. *[Interruption.]*

Mr Speaker: I think his Whips are pleased to see the arrival of the right hon. Member for South Holland and The Deepings (Mr Hayes). He has never knowingly been keen to be hurried on anything.

Debbie Abrahams (Oldham East and Saddleworth) (Lab): Will the Minister clarify the timescale for the decisions? Evidence reviews and trials can take months and years, but clearly, as other Members have said, people do not have months and years. Will she tell us what the process and the timescales will be, so that we can be reassured—or not?

Jane Ellison: We would expect to get the evidence review that we have called for in the autumn. NHS England is already working on plans for the pilot programme, which will happen over a two-year period. We hope to get that under way towards the end of this year. Both those pieces of work are under way. We expect the pilots to be informed by the review, hence we want to get it back in a relatively short time.

Diana Johnson (Kingston upon Hull North) (Lab): I am flabbergasted that the Minister has come before the House today to say that the legislation that her Government introduced on the reorganisation of the NHS was so incompetent that NHS England is having to go to court

[Diana Johnson]

to work out who is entitled to commission these services. Can she tell us how much public money will be spent on the legal case?

Jane Ellison: I am not in a position to comment on that. I do not accept the hon. Lady's central criticism. If she had been present at the Health Committee this morning, she would have heard an hour of evidence from myself, Duncan Selbie and Simon Stevens on how the new arrangements are making a significant difference to public health in this country and to the health of the public.

Points of Order

1.6 pm

Andy McDonald (Middlesbrough) (Lab): On a point of order, Mr Speaker. As you know, the SSI plant on Teesside closed, with the loss of 9,000 jobs. Lord Heseltine, the Secretary of State for Communities and Local Government and the northern powerhouse Minister, the Under-Secretary of State for Communities and Local Government, the hon. Member for Stockton South (James Wharton) are in my constituency at the Riverside stadium, launching the noble Lord's much-awaited report in response to that crisis. I received notification of that by email at 3.33 yesterday and a copy of the report at 6.20 this morning. In fairness, having contacted the Secretary of State, I accept that he is under the impression that I was contacted properly. However, I assure the House that I was not. I have searched for those emails. Colleagues have received them, but I have not.

All I am asking for is some guidance, Mr Speaker. A report about my constituency is going to be delivered in my constituency. Can better direction be given to Ministers on how best they can communicate such activity to Members of Parliament, rather than assuming that it has been properly communicated through emails?

Mr Speaker: I say to the hon. Gentleman and the House that there is a firm convention that if a Member intends to visit the constituency of another Member on official business, as opposed to purely private or personal business, the Member whose constituency is being visited should be notified in advance. Nothing is written down anywhere, but it would be a courtesy to notify the Member sufficiently in advance that he or she could be present, or at least in the vicinity, in his or her constituency if it was so wished. That would rather depend on the circumstances of the event, but there should be proper notice.

In the case of Ministers, the requirement is stipulated in the ministerial code. If that has not been complied with in this case, it is regrettable. The hon. Gentleman has made his point and it will have been heard by those on the Treasury Bench. Doubtless it will be communicated, in the forceful terms in which he typically expresses himself, to the Secretary of State.

I hope that it will not be necessary for this point constantly to be raised and then underlined by me from the Chair. It is an elementary courtesy and I think that a lot of people who are listening to our proceedings will think, "Surely colleagues can treat each other in a civil and grown-up way, as would happen in other institutions." Indeed, I note in the distance some agreement with the point I have just made.

Melanie Onn (Great Grimsby) (Lab): On a point of order, Mr Speaker. I fear that I am going to disappoint you, because my point of order follows on from that exact point, although it does not relate to Ministers. I discovered that the hon. Members for Wellingborough (Mr Bone) and for Corby (Tom Pursglove) were in my constituency last week with the Grassroots Out campaign. They were not on official business, but were campaigning, and they failed to advise me in advance. Will you

remind all Members that, by convention, we notify each other in advance? I might not have wished to be there alongside them, however.

Another issue is that factually incorrect information was shared with my constituents. I am sure that the hon. Member for Wellingborough would be horrified to learn that he misled my constituents, in the same way that I am horrified. How can he correct that?

Mr Speaker: I am very grateful to the hon. Lady for her point of order. With reference to her last point about allegedly factually incorrect information being disseminated to her constituents, I am bound to say to her that that is a matter of politics. Although I do not know the people of Great Grimsby, I dare say they can bear with stoicism and fortitude the proffering of views to them with which their locally elected Member of Parliament may disagree. That is not a matter for the Chair. [*Interruption.*] I do not think it is fishy. However, a visit was undertaken, admittedly not by Ministers, but by Members engaged in professional business, and the hon. Lady should therefore have been notified.

Given the context of the EU referendum campaign, I recognise that there will be Members—including doubtless the hon. Members for Wellingborough (Mr Bone) and for Corby (Tom Pursglove)—who may well visit a great many constituencies in a concentrated period. Nevertheless, the convention is an important courtesy and should continue to apply. It is not very difficult or time consuming to comply with it, so I hope that colleagues on both sides of the House will do so from now on.

Stewart Malcolm McDonald (Glasgow South) (SNP): On a point of order, Mr Speaker. The issue we have just discussed in the urgent question on pre-exposure prophylaxis is one that I and many other Members consider to be of huge national importance. Despite the effect of the drug, the numbers of people involved and the great national interest, Parliament has not actually substantially debated the issue aside from that urgent question. As a new Member of the House—I confess that I am still trying to get my head around this place, although I suspect I never will—may I ask whether it would be in order to seek a debate on PrEP under Standing Order No. 24 and, if it would be in order, how one might go about that?

Mr Speaker: It is certainly open to the hon. Gentleman to seek such a debate—there is nothing improper about it—but I know that he would not seek advance agreement from me in respect of an application that has not yet been made, the terms of which therefore cannot be

known to me and upon which it would therefore be wholly unreasonable to expect me to adjudicate. Apart from that, his point was all right.

The Parliamentary Under-Secretary of State for Health (Jane Ellison): It is devolved.

Mr Speaker: I also say to the hon. Gentleman that, as the Minister mentioned perfectly properly from a sedentary position, the issue is a devolved matter and can therefore be considered elsewhere, as well, but it is perfectly proper for it to be considered here. There are a range of opportunities for its consideration. The mechanism he mentions is a possible approach; there are also Backbench Business Committee debates, Adjournment debates and debates in the name of the relevant Opposition party. I am sure that the hon. Gentleman is on very good terms with the powers that be in his own party; if they judge it a sufficient priority, they might choose to nominate it as a subject for such a debate. Knowing the Minister as I do, I am sure that she would very courteously come along, if it was her responsibility to do so, to listen to the hon. Gentleman's sonorous tones and speak as appropriate.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): Further to that point of order, Mr Speaker. You might be interested to know, as might other Members, that the all-party parliamentary group on HIV and AIDS is holding its own debate and inquiry on the issues under discussion in the urgent question this afternoon and tomorrow. I encourage all Members to attend.

Mr Speaker: What a helpful soul the hon. Gentleman is. He is a purveyor of public information, and we owe him a debt of gratitude.

BILL PRESENTED

WALES BILL

Presentation and First Reading (Standing Order No. 57)

Secretary Alun Cairns, Secretary Stephen Crabb, Secretary David Mundell, Mr Oliver Letwin and Greg Hands, presented a Bill to amend the Government of Wales Act 2006 and make provision about the functions of the Welsh Ministers, and for connected purposes.

Bill read the First time; to be read a Second time tomorrow, and to be printed (Bill 5) with explanatory notes (Bill 5-EN).

Investigatory Powers Bill

[2ND ALLOCATED DAY]

Consideration of Bill, as amended in the Public Bill Committee

Clause 119

BULK INTERCEPTION WARRANTS

1.13 pm

Anne McLaughlin (Glasgow North East) (SNP): I beg to move amendment 390, page 95, line 27, leave out clause 119.

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

- Amendment 391, page 96, line 36, leave out clause 120.
- Amendment 392, page 97, line 15, leave out clause 121.
- Amendment 393, page 98, line 20, leave out clause 122.
- Amendment 394, page 98, line 38, leave out clause 123.

Amendment 275, in clause 123, page 99, line 10, leave out from “must” to end of line 11, and insert

“subject a person’s decision to issue a warrant under this Chapter to close scrutiny to ensure that the objective in issuing a warrant is sufficiently important to justify any limitation of a Convention right”.

An amendment to clarify the role of judicial commissioners.

Amendment 395, page 99, line 19, leave out clause 124.

Amendment 396, page 99, line 24, leave out clause 125.

Amendment 9, in clause 125, page 99, line 33, leave out subsection (4) and insert—

“(4) The operational purposes specified in the warrant must be ones specified, in a list maintained by the heads of the intelligence services, as purposes which they consider are operational purposes for which intercepted content or secondary data obtained under bulk interception warrants may be selected for examination.”

On behalf of the Intelligence and Security Committee of Parliament, to amend the Bill to provide for a designated list of operational purposes, such that only a purpose on that list may be specified in a warrant relating to bulk powers.

Amendment 10, page 99, line 37, leave out from “issued” to end of line 39 and insert

“are specified in the list mentioned in subsection (4).

(5A) An operational purpose may be specified in the list mentioned in subsection (4) only with the approval of the Secretary of State.

(5B) The Secretary of State may give such approval only if satisfied that the operational purpose is specified in a greater level of detail than the descriptions contained in section 121 subsections (1)(b) or (2).”

To make clear that the Secretary of State must approve all operational purposes specified on the list.

Amendment 11, page 99, line 39, at end insert—

“(5C) The list of operational purposes mentioned in subsection (4) must be reviewed at least annually by the Prime Minister.”

To ensure that the list of Operational Purposes is reviewed at least annually by the Prime Minister.

Amendment 12, page 99, line 39, at end insert—

“(5D) The Investigatory Powers Commissioner and Intelligence and Security Committee of Parliament (ISC) will be kept informed of any changes to the list of Operational Purposes in a timely manner.

(5E) Subject to subsection 201(7), the Investigatory Powers Commissioner must include in his Annual Report a summary of those Operational Purposes which, during the period of his report, have been specified in any warrants issued under Parts 6 and 7.”

To ensure that the ISC and Commissioners are kept informed of changes to the list of Operational Purposes. To ensure that a summary of the Operational Purposes are published each year.

Amendment 397, page 100, line 2, leave out clause 126.

Amendment 398, page 100, line 10, leave out clause 127.

Amendment 22, in clause 127, page 100, line 12, leave out

“before it would otherwise cease to have effect”

and insert “during the renewal period”.

See amendment 20.

Amendment 23, page 100, line 34, at end insert—

“(2A) ‘The renewal period’ means the period of 30 days ending with the day at the end of which the warrant would otherwise cease to have effect.”

See amendment 20.

Amendment 153, page 101, line 9, leave out clause 128.

Amendment 154, page 102, line 25, leave out clause 129.

Amendment 401, page 103, line 8, leave out clause 130.

Amendment 402, page 103, line 31, leave out clause 131.

Amendment 403, page 104, line 19, leave out clause 132.

Amendment 404, page 105, line 44, leave out clause 133.

Amendment 405, page 106, line 24, leave out clause 134.

Amendment 406, page 108, line 1, leave out clause 135.

Amendment 407, page 108, line 29, leave out clause 136.

Amendment 408, page 108, line 39, leave out clause 137.

Amendment 409, page 109, line 16, leave out clause 138.

Amendment 410, page 110, line 40, leave out clause 139.

Amendment 212, in clause 139, page 110, line 42, leave out

“review the Secretary of State’s conclusions as to the following matters”

and insert “determine”.

Amendment 213, page 111, line 7, leave out subsection (2).

Amendment 278, page 111, line 7, leave out from “must” to end of line 8, and insert “subject a person’s decision to issue a warrant under this Chapter to close scrutiny to ensure that the objective in issuing a warrant is sufficiently important to justify any limitation of a Convention right”.

An amendment to clarify the role of judicial commissioners. This amendment is an alternative to amendments 212 and 213 (which are a package).

Amendment 411, page 111, line 16, leave out clause 140.

Amendment 412, page 111, line 21, leave out clause 141.

Amendment 413, page 112, line 2, leave out clause 142.

Amendment 414, page 112, line 10, leave out clause 143.

Amendment 155, page 113, line 9, leave out clause 144.

Amendment 156, page 114, line 19, leave out clause 145.

Amendment 417, page 115, line 2, leave out clause 146.

Amendment 418, page 115, line 25, leave out clause 147.

Amendment 419, page 116, line 7, leave out clause 148.

Government amendments 44 to 47.

Amendment 420, page 116, line 35, leave out clause 149.

Amendment 421, page 117, line 11, leave out clause 150.
 Amendment 422, page 118, line 39, leave out clause 151.
 Amendment 423, page 119, line 8, leave out clause 152.
 Amendment 424, page 119, line 36, leave out clause 153.
 Amendment 425, page 120, line 10, leave out clause 154.
 Amendment 426, page 121, line 33, leave out clause 155.
 Amendment 427, page 122, line 4, leave out clause 156.
 Amendment 428, page 123, line 1, leave out clause 157.
 Amendment 214, in clause 157, page 123, line 3, leave out

“review the Secretary of State’s conclusions as to the following matters”

and insert “determine”.

Amendment 215, page 123, line 15, leave out subsection (2).

Amendment 281, page 123, line 15, leave out from “must” to end of line 16, and insert

“subject a person’s decision to issue a warrant under this Chapter to close scrutiny to ensure that the objective in issuing a warrant is sufficiently important to justify any limitation of a Convention right”.

An amendment to clarify the role of judicial commissioners.

Amendment 429, page 123, line 24, leave out clause 158.
 Amendment 430, page 123, line 41, leave out clause 159.
 Amendment 431, page 124, line 34, leave out clause 160.
 Amendment 432, page 125, line 3, leave out clause 161.
 Amendment 433, page 125, line 25, leave out clause 162.
 Amendment 434, page 126, line 3, leave out clause 163.
 Amendment 157, page 127, line 1, leave out clause 164.
 Government amendments 127 and 128.
 Amendment 158, page 128, line 14, leave out clause 165.
 Amendment 437, page 129, line 1, leave out clause 166.
 Amendment 438, page 129, line 25, leave out clause 167.
 Amendment 439, page 130, line 14, leave out clause 168.
 Amendment 440, page 131, line 33, leave out clause 169.
 Amendment 441, page 132, line 3, leave out clause 170.
 Government amendment 129.
 Amendment 442, page 133, line 30, leave out clause 171.
 Amendment 443, page 134, line 12, leave out clause 172.
 Amendment 444, page 134, line 19, leave out clause 173.
 Government amendment 130.

Government new clause 14—*Health records.*

New clause 3—*Restriction on use of class bulk personal dataset warrants*—

“(1) An intelligence service may not retain, or retain and examine, a bulk personal dataset in reliance on a class bulk personal dataset warrant if the head of the intelligence service considers—

- (a) that the bulk personal dataset includes a large quantity of sensitive personal data, or
- (b) that the nature of the bulk personal dataset, or the circumstances in which it was created, is or are such that its retention, or retention and examination, by the intelligence service raises issues which ought to be considered by the Secretary of State and a Judicial Commissioner on an application by the head of the intelligence service for a specific BPD warrant.

(2) An intelligence service may not retain, or retain and examine, greater than twenty distinct bulk personal datasets in reliance on any class BPD warrant.

(3) In subsection (1) ‘sensitive personal data’ means personal data consisting of information about an individual (whether living or deceased) which is of a kind mentioned in section 2(a) to (f) of the Data Protection Act 1998.”

On behalf of the Intelligence and Security Committee of Parliament, to place greater restrictions on the use of Class BPD warrants in relation to the retention/examination of sensitive personal data (relating to race, political opinions, religious beliefs, trade union membership, health, or sexual orientation). To cap the number of datasets which may be covered by any Class warrant.

Amendment 445, page 135, line 4, leave out clause 174.

Amendment 446, page 135, line 21, leave out clause 175.

Amendment 447, page 135, line 37, leave out clause 176.

Amendment 448, page 136, line 9, leave out clause 177.

Amendment 303, in clause 177, page 136, line 44, at end insert—

“(5) Subsection (6) applies where a warrant application under this section relates to ‘patient information’ as defined in s.251(10) of the National Health Service Act 2006, or relating to ‘mental health’, ‘adult social care’, ‘child social care’, or ‘health services’ as defined by the Health and Social Care Act 2012.

(6) The Secretary of State may issue the warrant only if—

- (a) there are exceptional and compelling circumstances that make it necessary to authorise the retention, or (as the case may be) the examination, of material referred to in subsection (5); and
- (b) specific arrangements have been made for the handling, retention, use, destruction and protection against unauthorised disclosure of such material”.

An amendment to restrict the retention of patient information obtained under provisions in this Bill.

Amendment 449, page 137, line 1, leave out clause 178.

Amendment 24, in clause 178, page 137, line 17, leave out “and” and insert—

“(aa) a statement outlining the extent to which sensitive personal data as defined by section [Restriction on use of class BPD warrants] is expected to be part of the bulk personal dataset, and”.

On behalf of the Intelligence and Security Committee of Parliament, to require specific BPD warrant applications to set out the extent to which datasets may include sensitive personal data (relating to race, political opinions, religious beliefs, trade union membership, health, or sexual orientation), in order that the Secretary of State may properly assess the proportionality of obtaining the dataset.

Amendment 304, page 138, line 2, at end insert—

“(8) Subsection (6) applies where a warrant application under this section relates to ‘patient information’ as defined in s.251(10) of the National Health Service Act 2006, or relating to ‘mental health’, ‘adult social care’, ‘child social care’, or ‘health services’ as defined by the Health and Social Care Act 2012.

(9) The Secretary of State may issue the warrant only if—

- (a) there are exceptional and compelling circumstances that make it necessary to authorise the retention, or (as the case may be) the examination, of material referred to in subsection (5); and
- (b) specific arrangements have been made for the handling, retention, use, destruction and protection against unauthorised disclosure of such material.”

An amendment to restrict the retention of patient information obtained under provisions in this Bill.

Amendment 450, page 138, line 3, leave out clause 179.

Amendment 216, in clause 179, page 138, line 5, leave out

“review the Secretary of State’s conclusions as to the following matters”

and insert “determine”.

[Mr Speaker]

Amendment 217, page 138, line 22, leave out subsection (2).

Amendment 284, page 138, line 22, leave out from “must” to end of line 23, and insert

“subject a person’s decision to issue a warrant under this Chapter to close scrutiny to ensure that the objective in issuing a warrant is sufficiently important to justify any limitation of a Convention right”.

An amendment to clarify the role of judicial commissioners. This amendment is an alternative to amendments 216 and 217 (which are a package).

Amendment 451, page 138, line 31, leave out clause 180.

Amendment 452, page 139, line 4, leave out clause 181.

Amendment 453, page 140, line 1, leave out clause 182.

Amendment 454, page 140, line 15, leave out clause 183.

Amendment 455, page 141, line 4, leave out clause 184.

Amendment 456, page 141, line 26, leave out clause 185.

Amendment 159, page 142, line 13, leave out clause 186.

Amendment 160, page 143, line 22, leave out clause 187.

Amendment 459, page 144, line 7, leave out clause 188.

Amendment 460, page 144, line 25, leave out clause 189.

Amendment 461, page 146, line 2, leave out clause 190.

Amendment 462, page 147, line 5, leave out clause 191.

Amendment 463, page 147, line 21, leave out clause 192.

Amendment 305, in clause 192, page 147, line 42, at end insert—

“(4A) A direction under subsection (3) may only be made for material relating to ‘patient information’ as defined in s.251(10) of the National Health Service Act 2006, or relating to ‘mental health’, ‘adult social care’, ‘child social care’, or ‘health services’ as defined by the Health and Social Care Act 2012 if the Secretary of State considers that—

- (a) there are exceptional and compelling circumstances that make it necessary to authorise the retention, or (as the case may be) the examination, of such material; and
- (b) that specific arrangements have been made for the handling, retention, use, destruction and protection against unauthorised disclosure of such material.”

An amendment to restrict the retention of patient information obtained under provisions in this Bill.

Amendment 464, page 148, line 37, leave out clause 193.

Anne McLaughlin: Part 6 of the Bill, on bulk powers, is perhaps one of its most controversial parts. The Scottish National party is calling for part 6 to be shelved along with part 7 until such time as an argument for their inclusion has been demonstrated by an independent review of their proportionality and operative necessity—that is to say that we believe that the powers in part 6 should be removed from the Bill until a satisfactory operational case is made for them.

The review the Government have agreed to is most welcome but they must get it right. It must be conducted properly if it is to be of any value to the process of parliamentary scrutiny or is to secure the public’s confidence in its conclusions. Yesterday we had sight of some more detail about the review, in a letter from the Minister to the hon. and learned Member for Holborn and St Pancras (Keir Starmer). We were particularly pleased to note that one of the review team will be a barrister who has a great deal of experience working as a special

advocate acting against the Government in terrorism cases. That degree of balance is good and is to be welcomed.

The review needs to be given the time to do a thorough job, however, and we simply do not believe that three months is long enough. Even if it were, it would not be the first time we have been promised a date by which a report will be published, only then to be given another, and another.

The Minister for Security (Mr John Hayes): I thank the hon. Lady for the warm words she is offering, which reflect the spirit in which this debate has been conducted throughout. The review will be conducted in the timeframe she describes because the Government are clear that it should take place while the Bill is live and is enjoying its passage through both Houses of Parliament. It would have been quite inappropriate to have a review once the Bill had passed into law.

Anne McLaughlin: I would argue that the review should have happened before now. Even if it is completed within three months, that will not be while scrutiny of the Bill is taking place here by elected Members; the scrutiny will be in the other place by Members of the House of Lords, who are not elected.

We are also confident that the review’s findings will not be significantly different from those of the reviews carried out by other countries, which I will come on to in a moment. In other words, it is likely to find that bulk powers are not necessary and give us no unique information that could not be garnered by other investigative techniques. Regarding those other techniques, the Government are arguing that new clause 5 will mean that bulk powers will be used only when other investigative techniques show up nothing, because the new clause recognises the importance of privacy to the individual—indeed, new clause 5 has been dubbed the privacy clause.

Simon Hoare (North Dorset) (Con): Although I served on the Bill Committee, the hon. Lady must forgive my ignorance. She mentioned other means aside from bulk powers. Is she going to delineate those to the House?

Anne McLaughlin: If the hon. Gentleman would care to exercise a little patience, he might get the answer to that. He might not, mind you. [*Laughter.*] No, he will. I am joking.

I understand that the Government are arguing that new clause 5 is a privacy clause, but how can we trust their commitment to privacy when between the publication of the draft Bill and the publication of this Bill the significant change to deal with the need for privacy to be of primary importance entailed simply changing the name of part 1 from “General Protections” to “General Privacy Protections”? This is not about words, but about intent, action and commitment, and inserting one word appeases no one.

Lucy Frazer (South East Cambridgeshire) (Con): First, is the hon. Lady aware that there is a sunset clause? Secondly, if the powers are not available to be exercised but it is found that they are necessary, there will be a gap in our security services’ ability to combat terrorism and in the police’s ability to combat serious crime.

Anne McLaughlin: I will come on to that point shortly.

The fundamental point is this: why should we as Members of Parliament be expected to vote through legislation that is to be reviewed? That seems an unprofessional way—to say the least—to do business, and I would feel very uncomfortable crossing my fingers and hoping for the best. I also appeal to Labour colleagues to be a little more circumspect about trusting this Government with their votes today.

Let us take a look at one of the countries I mentioned earlier that has already reviewed bulk powers—the USA. The Snowden revelations revealed that the National Security Agency was running a bulk domestic telephone records programme. The NSA and others put up a strong case for maintaining it. The NSA produced a dossier of 54 counter-terrorism events in which, it said, bulk powers contributed to success in countering terrorism, but two entirely independent American bodies reviewed all 54 counter-terrorism cases and determined that only 12 had any relevance to the use of bulk powers under section 215 of the USA Patriot Act 2001.

One of those groups—the President’s Review Group on Intelligence and Communications Technologies, which is a very well respected, high-powered and independent body, set up under the auspices of President Obama—concluded:

“Our review suggests that the information contributed to terrorist investigations by the use of section 215...was not essential to preventing attacks and could readily have been obtained in a timely manner using conventional section 215 orders.”

The other body—the Privacy and Civil Liberties Oversight Board—concluded similarly. It said that it had

“not identified a single instance involving a threat to the United States in which the program”—

meaning the use of bulk powers—

“made a concrete difference in the outcome of a counterterrorism investigation.”

It went further, saying that it was

“aware of no instance in which the program directly contributed to the discovery of a previously unknown terrorist plot or the disruption of a terrorist attack.”

Whatever I think the outcome of the review will be—none of us knows, because it has not happened—it is none the less a recognition that the Government have failed to convince both the House and wider society of the necessity of the powers.

Joanna Cherry (Edinburgh South West) (SNP): Does my hon. Friend agree that it is vital that the independent review looks at the American experience, given that America is one of our chief allies? Does she also agree that the Opposition should seek an assurance from the Government that the independent review will do so?

Anne McLaughlin: It would be very helpful if the Opposition secured that. We should not just follow suit—we support the review, but will not say, “Do as America does.” We must conduct our own review. Given the extent to which the Americans have looked at this, we need the same access.

Lucy Frazer: Will the hon. Lady give way?

Anne McLaughlin: May I continue? I have already given way to the hon. and learned Lady and am conscious of the need to let other Members speak. I will possibly give way a wee bit later.

The review is welcome—of course it is, not least because it is hoped that David Anderson QC will do what Liberty and others have called for and use the opportunity properly to challenge the evidence and produce a thorough, comprehensive and unbiased examination of the necessity of all bulk powers in the Bill. However, the review was called for long ago by Liberty and other respectable organisations. The Government could and should have completed it before asking MPs to vote for the Bill.

When we are dealing with proposals that are so broad—the proposal is effectively for bulk data harvesting from mainly innocent citizens—it is incumbent on the Government to prove that there is an operational case and that the powers are necessary, and to ensure that the safeguards in place are rigorous. The Government have neither proven the operational case for the powers nor have they delivered safeguards and oversight of sufficient calibre to make the powers justifiable.

Mr Dominic Grieve (Beaconsfield) (Con): Will the hon. Lady give way?

Anne McLaughlin: I will give way to the right hon. and learned Gentleman but I am trying not to give way too often.

Mr Grieve: I am grateful to the hon. Lady. As I indicated when I spoke on Second Reading, I appreciate that bulk powers are controversial, but I am absolutely sure that we do not conduct data harvesting in this country. It simply does not happen. The use of bulk powers is not for that purpose, but for the purpose of examining material. Even though that may be done in bulk, it is done in a way that does not amount to the generalised harvesting of data for their examination. It simply is not.

Anne McLaughlin: My answer to that is simply that if the Bill allows for bulk data harvesting, it can still happen. We cannot sit here and say, “No, it will never happen.”

The SNP argument is not to do down our security services or anyone else working to keep our constituents safe. We argue that we would fail as a Parliament if we assert our power on behalf of our constituents and fail to place proper limitations on the scope of the state to interfere in the lives of innocent private citizens.

Dr Andrew Murrison (South West Wiltshire) (Con): Will the hon. Lady give way?

Anne McLaughlin: I will not give way at the moment—I have given way too many times and others want to speak.

To use an illustrative analogy, if we were to authorise the opening, scanning and retention of all mail via a particular post office in the hope that one day we could go back once we had found, via another investigative technique, a suspicion about a certain user of that post office, our constituents would rightly be marching on this place demanding that we stop such an outrage. Do the Government really believe that people using that post office would be content to believe that all was well as long as the letters were stored in a big safe to which only the good guys had the key, or that they would be

[Anne McLaughlin]

read only after a warrant was required? I do not believe so—people are not that daft and, strangely, for some unknown reason, they are not that trusting—yet the Government are asking us to focus on the issue of access and examination, and to ignore the massive combine harvester in the room, meaning bulk data collection. Government Members may well groan, but we are entitled to express our opinions on the Bill and to scrutinise the legislation rigorously.

On the Government's own terms, that abuse of public privacy is of very limited use anyway. Targeted powers are far more effective and could resolve many of the privacy concerns. If we have a justifiable case to access information, we already know who we should be targeting for data collection. Why are we wasting time and resources using bulk techniques for that collection?

Seema Kennedy (South Ribble) (Con): Will the hon. Lady give way?

Anne McLaughlin: I will give way because the hon. Lady asks so nicely.

Seema Kennedy: The hon. Lady referred to known targets, but surely one advantage of bulk data gathering is finding those unknown people out there who wish to do us harm.

Anne McLaughlin: I wonder how the hon. Lady believes we will do that. The evidence reviewed by the Committee showed that bulk powers are counter-productive because the sheer scale of the data makes them impossible to analyse adequately. In fact, I believe the Government used the limited capacity of the security services to analyse bulk quantities of data as a form of assurance, which was strange to say the least.

Mr John Hayes: I say this to be helpful to the hon. Lady. I fear that the debate has moved on and she has not. The truth of the matter is that the bulk powers she describes were considered by the Intelligence and Security Committee, which is chaired by my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve). It established that there was both validity and necessity. She is arguing a general case on bulk rather than the case for safeguards. The debate we ought to be having is about safeguards, is it not?

Anne McLaughlin: I thank the Minister for that advice and will pass it on to my constituents, who have the same concerns as I do and whose concerns I am expressing.

As we know, the Bill is supposed to be a basis for the use of those techniques for quite some time, and we are not future-proofing the Bill if we say that it is absolutely fine to have intrusive bulk techniques because now, in 2016, we do not have the technical capabilities to analyse all the data. Some present-day practices are reliant on 32-year-old laws—they date back to 1984, of all years. If we get the measure wrong, there is every possibility that we will enshrine in law invasive practices that will become feasible only at some point in the next 32 years.

Perhaps the most worrying powers of part 6 refer to bulk equipment interference, which the Government helpfully outline as follows:

“bulk equipment interference is not targeted against particular person(s), organisation(s) or location(s) or against equipment that is being used for particular activities”.

It is therefore an indiscriminate form of interference that leaves systems vulnerable, not only to our own security services using their powers sparingly and proportionately, but to those looking to cause harm and to profit from broken security. If the front door of someone's house has been kicked in by the police, criminals are not prevented from entering after their departure.

Our concerns regarding the bulk powers provisions in part 6 are connected to many of our concerns regarding the use of bulk datasets. At the heart of the matter is the retention of intimate personal details regarding the tens of millions of ordinary citizens of this country who do not merit such information being held by the state. We welcome the review of the use of bulk powers and recognise that other parts of the Bill impact on part 6—it cannot stand in isolation. If bulk datasets are acquired by other mechanisms in the Bill, how are they to be dealt with and properly handled? Therefore, as we have stressed throughout, the Bill should be easy to understand, and should clarify what is permitted and what is not. We should not provide a mechanism whereby we rubber stamp practices that were never previously debated.

Again, the offline analogy is instructive. If we were asked by the state to deposit our membership forms for various organisations—political parties, campaign groups, golf clubs—or forms with our direct debit details, health records and other such bulk information into a big safe on the understanding that only the security services would have access to it, we would rightly balk at such a proposal. Just because such a system is being proposed online and without the consent of the individuals concerned does not make it acceptable—in many ways, it makes it much worse. I hope the Minister will address that comparison.

1.30 pm

There are also very real dangers that the analysis of bulk personal datasets may lead to suspects being wrongly identified, based on stereotypical or discriminatory assumptions. Some of the biggest miscarriages of justice in these islands, including that of the Birmingham Six, have been carried out on precisely the assumptions that predicate the analysis of bulk datasets—people who ticked all the right boxes and yet just happened to be entirely innocent.

It is not that the Government are not aware of the problems they are creating. The principles of targeting and specific warranting appear in various guises throughout the Bill. The Government need to fully embrace both principles and apply them to the collection, storage and analysis of data. If they fail to do so—and so far they have failed—and if they still cannot prove the operational necessity of these intrusions into the private lives of everyday citizens—and so far they have not proven that—then they should not expect the support of this House for those measures. It is not acceptable, or it should not be acceptable, for any Government to ask for proposed legislation that is about to be reviewed to be nodded through.

Every year in this and the other place, these Houses play out, in all their finery, the historic role of Parliament in limiting the powers of the Executive. Let us remember that role when we vote on the unprecedented extension of powers in the Bill.

Mr Grieve: It is a pleasure to be able to participate in today's debate. I will move the amendments standing in the name of the Intelligence and Security Committee in a moment, but I would not be doing justice to this afternoon's debate, on a matter of great and legitimate public interest and importance, if I were not to seek briefly to respond to the perfectly reasonable fears expressed by the hon. Member for Glasgow North East (Anne McLaughlin).

Those fears highlight the difficulty we have in this country—certainly for Members of Parliament, but I dare say also for members of the public and certainly for non-governmental organisations interested in civil liberties—in reconciling an assessment of what the agencies may be doing in relation to bulk powers, with what those of us who have become privy to classified information by virtue of our work actually see is happening in reality. I am not sure that this is a gap that is very easy to bridge. I can only do my best to explain to the House and to the hon. Lady how I see the system working.

In an ideal world, it would always be better if we used targeted interception. If we know what it is we are trying to intercept and have reasonable grounds that are necessary and proportionate for doing so, then clearly that is what we should be aiming to do. The reality, however, is that the use of the internet today, in respect of the transfer of information, is of such an order that if there were not bulk powers to enable the agencies to look to intercept bulk and then search it to find what they are looking for, it would in practice be very difficult for the agencies to defend our security against espionage and, in particular, terrorism. That is the reality.

That point has been made repeatedly, including in public by agency heads. When Sir Iain Lobban gave evidence to the Intelligence and Security Committee, the only time it held a public hearing, he explained that the idea that there is bulk harvesting of data in order to carry out a detailed examination of them is, in fact, fanciful. That is not what is happening. What is happening is that there may be the retention of a bulk group of data in which in reality the vast majority—in fact, probably over 99%—will never be looked at, except in so far as it exists as a few digits on a screen. Ultimately, the agencies are interested in the nugget—or, as he described it, the needle in the haystack—that they are actually looking for. The idea that the privacy of an individual will be compromised if it just so happens that their internet traffic is caught in that particular net is simply not real. That is the reality of what goes on.

If I may say so to the hon. Lady and to the House, I do not really think that that is very different from what was probably going on 100 years ago when somebody suspected there might be a letter in a mailbag coming down from Glasgow to London. They could identify some of the markers on it and the handwriting, so they took an entire mailbag, tipped it out and looked to see if they could find the letter they were looking for. They then put all the other letters back in the mailbag and sent it on. The only realistic difference is that at the moment we do not have to stop the mailbag, because the mail can be transferred and we can simply retain the data somewhere else.

I appreciate that this is an area where people will legitimately be anxious that this could be capable of misuse. Of course, the hon. Lady is right that it could be capable of misuse. Anybody in this House who wants to

raise concerns about misuse is raising a perfectly legitimate point. The question is what safeguards we can properly put in legislation, and through the framework we create in a democratic and free society, to try to ensure that that misuse will not and does not occur. The Intelligence and Security Committee, of which I am the Chairman, is part of the process of trying to ensure that there is no such misuse.

Joanna Cherry: I am listening very carefully to the right hon. and learned Gentleman, because he is very knowledgeable in these areas. Is he aware that during the currency of the Public Bill Committee, *The Guardian* published an internal newsletter from MI6 from September 2011, which said that individuals within MI6 had been “crossing the line with their database use...looking up addresses in order to send birthday cards, checking passport details to organise personal travel, checking details of family members for personal convenience...check the personal details of colleagues when filling out service forms on their behalf”?

Is he aware that there is internal recognition of misuse of data within the security services?

Mr Grieve: Yes, I was aware of that. That has, I think, been public knowledge for some time. So far as I am concerned, as the Chairman of the Intelligence and Security Committee, we take that very seriously. Indeed, I believe the agencies took the matter very seriously as well, and that those involved were disciplined. The point was made that however innocent the activity of looking up one's friend's address might appear, it was not an acceptable thing to do. I certainly agree. That was one reason why, yesterday, I highlighted the issue of offences and was pleased to get the response from my hon. Friends on the Treasury Bench that they were taking this issue seriously. I worry that the penalties attached to some of the potential offences appear to be insufficient. I fully understand the point the hon. and learned Lady makes, but we must be a bit careful before we translate what appears to have happened in such cases into a belief that there is systematic abuse of the data sets that may be held—that is what we are talking about—by agencies, and that the material in them is being misused or put to some nefarious purpose that is not legitimate for the purposes of national security.

James Cleverly (Braintree) (Con): Is it not the case that there are many things in public life—the police, computers, firearms and so on—that have the potential for misuse, but that the potential for misuse is not a reason to eradicate them from public life? It is a reason to ensure there is a robust framework and—this is the point my right hon. and learned Friend is making—a proper system of penalties for misuse, rather than just scrapping a whole capability because of potential future misuse.

Mr Grieve: Yes, I agree entirely. I am afraid that, because human society is not perfect, eradicating every instance of misconduct by public servants is likely to be impossible. We therefore have to ensure proper safeguards and ethics. Here I simply repeat what I said before. My own experience is that the ethical standards of the agencies are very high; that is not to say that one does not have to be vigilant about maintaining those standards, or that there might not have been instances where their ethical standards slipped, but everything I and, I think,

[Mr Grieve]

my fellow members of the ISC have seen has constantly reassured us that those ethical standards are at the heart of what they do. I recollect Sir Iain Lobban saying that if he had asked his staff at GCHQ to do something unethical, they simply would not have done it. He said they would have refused, had he made the request of them.

I simply say that about the framework. I now turn to our amendments, the first group of which consists of amendments 9 to 12 and deals with an issue that goes to the heart of bulk powers: operational purposes. In the ISC's report on the draft Bill, we were critical of what appeared to us to be the lack of transparency around operational purposes, which are of the utmost importance—this picks up on what the hon. Member for Glasgow North East said—as they provide the justification for examining material collected using bulk powers. If it falls outside legitimate operational purposes, one cannot examine it. We therefore recommended that in some form and in a manner consistent with safeguarding security—the two things are often difficult to reconcile—the list ought, so far as possible, to be published. We also recommended that the ISC have a role on behalf of Parliament in scrutinising the full classified list of operational purposes.

We were also concerned, when we investigated the matter further, that in some cases the nature of the list of operational purposes lacked clarity, as did the procedures for managing it, which seemed largely informal, particularly those for adding an operational purpose to the list. As matters stand now, that can effectively be done by a senior officer in the organisation. Our amendments are therefore intended to give effect to our original recommendations for greater scrutiny and transparency, while also trying to create a formal mechanism for the establishment, management, modification and review of the list of operational purposes.

Mr John Hayes: I anticipated that my right hon. and learned Friend would raise this matter, given that he puts such emphasis on his report. I am absolutely committed to considering the matter in the way he describes, and I am prepared to say now that we will go away and consider his amendments, with a view to introducing further amendments to the Bill to satisfy him and his Committee on this issue.

Mr Grieve: I am grateful to the Minister and will keep that in mind, but so that the House might understand, I will just take it through what we proposed.

Amendment 9 sets out:

“The operational purposes specified in the warrant must be ones specified, in a list maintained by the heads of the intelligence services, as purposes which they consider are operational purposes for which intercepted content or secondary data obtained under bulk interception warrants may be selected for examination.”

That is to formalise the process, which at the moment we think is too informal. Under amendment 10, an

“operational purpose may be specified in the list...only with the approval of the Secretary of State.”

We think that when an operational purpose is added to the list, it should go through the Secretary of State and be signed off by her. My understanding—I hope that

the Minister will confirm this in due course—is that the Government do not see any significant problem with introducing such a system.

Mr Hayes *indicated assent.*

Mr Grieve: I see the Minister nodding; I am grateful to him.

Amendment 10 also states:

“The Secretary of State may give such approval only if satisfied that the operational purpose is specified in a greater level of detail than the descriptions contained in section 121”.

That is to ensure that the Minister understands what the agency is asking for in adding an operational purpose to its list.

1.45 pm

Tom Elliott (Fermanagh and South Tyrone) (UUP): Going back to amendment 9, is the right hon. and learned Member confident that the list will not be too prescriptive—in other words, that those who want to find a way around it, will be able to do so?

Mr Grieve: I do not think the list should be too prescriptive. It will clearly be flexible. From my understanding of the list and what I know about the existing lists, they do have flexibility and can be added to and subtracted from. They are the day-to-day operational purposes for examining bulk data. That is what should be there. At the moment, it is something of an informal process; there is no suggestion that it is not being followed properly, but I think it needs to be formalised a bit more, which is what the amendments are intended to do. Amendment 11 states:

“The list of operational purposes...must be reviewed at least annually by the Prime Minister.”

Amendment 12, which has caused the Government greater—and understandable—difficulty, would put in place the following requirement:

“The Investigatory Powers Commissioner and Intelligence and Security Committee”—

that is us—

“will be kept informed of any changes to the list of Operational Purposes in a timely manner.”

I always stress that the Committee is not there to monitor the activities of the intelligence agencies in real time; it is outside our remit to do so, as the Executive has to get on with its decision making, but we have the power to look at virtually everything we want—unless the Prime Minister denies us access, which has never happened in my time as Chairman—and the right to ask for material and to be briefed on what has happened in the past.

My impression is that the Government have no great objection to letting us see, on an annual basis, how the list has been reviewed, but we took the view that “timely” meant a bit more frequently than that. To make our position clear to the Minister and the Treasury Bench, we think that we ought to be kept informed of any changes not necessarily the day after they happen but certainly within a reasonable timeframe so that we might follow the changes that take place. The merit is that because we can, if necessary, call an evidence session and ask the head of an agency to come and explain to us what has been going on, we could provide

reassurance to the House that the system was being operated correctly. I want to emphasise that that is the purpose of the amendment.

I do not expect the Minister to give me a completely positive response to amendment 12 today—he has kindly intervened already—but I would like him to provide an assurance that the Government will give this careful consideration and come up with a solution that enables the ISC to do its job. If he cannot, I might have to press the amendment to a vote, which I do not particularly want to do

Mr John Hayes: My right hon. and learned Friend is right to anticipate that this is the issue that has troubled us most of all his Committee's many sensible proposals. From what he has said, I know he will understand that the balance to be struck is between that kind of proper scrutiny and ongoing security operations, which clearly require that consideration of operational purposes be a dynamic matter. It is critical that we strike that balance, but I hear the tone and tenor of his remarks and I am happy to say that the Government will consider the matter carefully and continue our discussions with him.

Mr Grieve: I am grateful to the Minister. On that basis, I think that these will be probing amendments, but I hope the matter can be properly resolved as the Bill goes through another place.

Amendment 12 states that the

“Investigatory Powers Commissioner must include in his Annual Report a summary of those Operational Purposes”.

Those would likely be more limited than the full list, but it would help to have some broad understanding.

I must take a moment on new clause 3, given that it deals with such an important matter. In the ISC's report, we recommended that class bulk personal dataset warrants be removed from the Bill on the basis that the potential intrusion into privacy was sufficient to require that each distinct dataset should require specific approval by Ministers. However, we then had further evidence—as has happened in the dialogue with the Government and the agencies—in particular from the Secret Intelligence Service, about the rationale for retaining class warrants in the Bill. In particular, the evidence highlighted the fact that many of these datasets covered the same information or type of information. In those circumstances, we considered that a class warrant would be appropriate, as the privacy considerations were identical.

However, were we to accept class warrants for bulk personal datasets, we would need safeguards to ensure that their use was limited. We therefore proposed three restrictions. The first relates to the most sensitive personal data, using the definitions in the Data Protection Act 1998, and would prohibit the retention of any dataset containing a significant quantity of data relating to a person's race, political opinions, religious beliefs, trade union membership, physical or mental health, or sexual life. The second restriction relates to bulk personal datasets that are somehow novel or out of the ordinary. In those circumstances, we would not consider a class warrant to be appropriate, so subsection (1)(b) of new clause 3 is designed to ensure that such cases will be referred to the Secretary of State and the commissioners by way of a specific warrant.

Finally, we express concern that we should not end up with bulk personal dataset inflation and have suggested that bulk personal dataset warrants should be limited to 20 individual datasets. I emphasise to the House that that is a completely arbitrary figure in many ways. If the Government have an alternative approach, I am more than happy to listen. I accept that if we impose a limit of 20, it is possible that the Home Secretary might be asked to sign two identical bulk personal dataset warrants in one go, if they are expecting to pick up 40. However, it seems to me that there needs to be some numerical cap, above all to ensure that the Home Secretary or Foreign Secretary, depending on who it is, is aware of what is being collected.

I would emphasise that we have seen the entire list of bulk personal datasets and we have never been of the opinion that anything is being collected that is not legitimate, and some of it, I can tell the House, is pretty mundane as well. That said, it is right that the House should exercise some caution about the expansion of those datasets, because one can see that in some circumstances they could touch upon information that is regarded as highly sensitive.

Mr Hayes: I hesitate to intervene again, but I hope these exchanges are proving helpful to the House, as well as to my right hon. and learned Friend and me—and to you, Mr Deputy Speaker. My right hon. and learned Friend touches on an important issue. I think he will acknowledge that it would be undesirable to set an arbitrary figure, but it is certainly the case that the Home Secretary, the Foreign Secretary and the Northern Ireland Secretary would want to take into account the numbers. It seems to me that the numerical case that my right hon. and learned Friend is making is not without merit. I am not sure that this is a matter to be dealt with on the face of the Bill, but it certainly should be dealt with.

Mr Grieve: I am again most grateful to the Minister. I entirely accept that if he can produce, for example, an assurance before the passage of this Bill through Parliament that there will be a protocol in place—which we, for example, have access to—that sets out exactly how the process will be managed in practice and that we can provide the House with the reassurance that that is being followed, that would satisfy my concerns.

However, I do think there is an issue here, because frankly the world is made up of more and more bulk personal datasets, largely being collected in digital form, and there needs to be a process in place to ensure that what is there is legitimately held and is not just being added to in a way that could be outside Ministers' line of vision altogether, unless they specifically started asking questions. That is the sort of approach I am talking about, so on that basis I am happy to accept the Minister's assurance.

Gavin Robinson (Belfast East) (DUP): I am less perplexed by the arbitrary nature of subsection (1)(b) of new clause 3 and more interested in subsection (1)(a). What is meant or intended by the word “large”? Can the right hon. and learned Gentleman say what proportion or quantum would be considered large when considering a personal dataset? There may be some helpful read-across

[Gavin Robinson]

from the 1998 Act, but it would be useful in considering this amendment to know what is intended by that entirely non-arbitrary and open suggestion?

Mr Grieve: Like everything else, I tend usually to say that we give the word its ordinary English meaning. I can accept that one may collect a dataset whose content is entirely innocuous and not really sensitive personal data at all, but which for some reason might contain a nugget of sensitive personal data that has crept in in some strange and perhaps unintended way. I accept that in those circumstances the protections we introduce are unnecessary; indeed, the truth is that the agencies would not even know that that information was there at the time they were acquiring it.

However, if we focus on the points I raised earlier—the Data Protection Act describes sensitive personal data as relating to a person's race, political opinions, religious beliefs, trade union membership, physical or mental health, or sexual life—we are probably in quite a good place. I do not think a court would have too much difficulty being able to tell what falls one side of the line and what falls the other. However, like everything else, it is all open to a degree of interpretation, so I do not offer that to the hon. Gentleman as 100% perfection, although it is a good way forward and I think most of us would understand what sort of collected bulk data are likely to contain that sort of material.

Amendment 24 concerns specific warrants for bulk personal datasets. We are far less concerned about these, but again this provision would cover data relating to a person's race, political opinions, religious beliefs, trade union membership, physical or mental health, or sexual life, and would ensure that the Secretary of State authorising the warrant would have the sensitivity of the data highlighted for them as part of their overall consideration of the necessity and proportionality of retaining and examining the dataset. I believe this may well be completely acceptable to the Government. Amendment 24 would mean that if there was an intention, for example, to acquire a dataset that clearly contained a great deal of information about people's religious or political opinions, that would be specifically drawn to the Secretary of State's attention in asking her or him to sign off the warrant, so that they were aware that that was being sought.

Finally in this list, I want to mention amendments 22 and 23, which are really carryovers from yesterday and concern the renewal of warrants to prevent two warrants from extending over a 12-month period, which I believe the Government have accepted, although that could not be considered yesterday.

I apologise for taking up so much of the House's time, but I hope these amendments may help to clarify some of these areas of the Bill.

Keir Starmer (Holborn and St Pancras) (Lab): We made good progress in the House yesterday. We now have clarity about the terms of the independent review of bulk powers, which we are looking at today; and we have an overarching privacy clause, a stricter test for the judicial commissioners, protection for trade union activities, and an undertaking from the Solicitor General to consider how to amend the Bill to make it absolutely clear that

whistleblowers can make disclosures to the Investigatory Powers Commissioner without fear of prosecution. I hope we can make as good progress today.

One of the amendments made to the Bill yesterday concerned the requirement for judicial commissioners to consider necessity and proportionality with a sufficient degree of care to ensure that they comply with the general duties in relation to privacy—this is the tighter judicial review test. That amendment was made to clause 21, which relates to intercept warrants. Today we are dealing with bulk powers. The judicial commissioners have an important role in relation to bulk powers and are an important safeguard in respect of warrants involving bulk powers. It is therefore important that we have clarity in the House today that the tighter scrutiny that is now in clause 21 applies equally to all other exercises of authorisation or approval carried out by judicial commissioners, including where they are exercising their powers in relation to bulk warrants. I think that otherwise there will be a risk of two tests, one under clause 21 and one under the other clauses applying to bulk powers. There is a real danger relating to combined warrants, in respect of which judicial commissioners would be asked to carry out different tests. It is important for the bulk powers to be scrutinised every bit as closely as the intercept warrants. Perhaps, in his response, the Minister will make it clear that the test applies generally across all the functions of the judicial commissioners, whether in respect of the specific warrants referred to clause 21 or in respect of the warrants relating to bulk powers and other provisions in the Bill. That, I think, would be a helpful extension of the safeguards relating to bulk powers.

2 pm

Let me now deal with the bulk powers themselves. As has been pointed out by the hon. Member for Glasgow North East (Anne McLaughlin), they are very wide. What concerns her constituents and mine—and, indeed, many other constituents—is that inevitably the bulk powers will be applied to, and will have an impact on, people who are not themselves suspected of any wrongdoing. That worries everyone who has spoken to me, and I am sure that it worries members of the public who have spoken to many other MPs.

Mr John Hayes: I sense that the hon. and learned Gentleman is about to move on to wider issues. Before he does so, let me deal with the issue of the application of the content of the manuscript amendment, which, as he said, specified a part of the Bill. He is right to say that the principles that underpin the amendment should apply to the whole Bill, and I will ensure, as the Bill proceeds, that that is the case legislatively. If we need to table further amendments to make the position categorically clear, we will do so.

Keir Starmer: I am grateful to the Minister for clarifying the position, because that is an important additional measure in relation to bulk powers. We will, of course, support whatever amendments are necessary to achieve that end.

As I have said, the bulk powers are very wide. They will inevitably have an impact on people who are not suspected of doing anything wrong, and they will inevitably have an impact—or, at least, it is impossible to ensure

that they will not—on legally privileged material, or material that involves journalistic material or journalistic sources, or, indeed, MPs' correspondence. It would be good if a way could be found of excluding such material from the operation of bulk powers, but it is not possible to do so, and that is why there is concern about bulk powers. *[Interruption.]* I will give way to the right hon. Member for Haltemprice and Howden (Mr Davis) in a moment.

Bulk powers involve ordinary members of the public who have never done anything wrong, and they involve the potential to capture legally privileged material, journalistic material and MPs' correspondence. I shall come on to the safeguards, but it is important to understand first why there is that concern about the bulk powers.

Mr David Davis (Haltemprice and Howden) (Con) *rose—*

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. I know that the right hon. Member for Haltemprice and Howden (David Davis) is very good at whistling, but I am sure that shadow Ministers do not respond to whistles, and that the hon. and learned Member for Holborn and St Pancras (Keir Starmer) wanted to give way to him anyway.

Mr Davis: I was not intending to be discourteous, Mr Deputy Speaker.

The hon. and learned Gentleman said that it was not possible to screen out the correspondence of the various privileged groups he described. The issue arose at the Investigatory Powers Tribunal in respect of one of the Wilson doctrine cases, and that was the assertion made by the Government barrister at the time. However, I consulted a number of experts, including Ross Anderson at Cambridge, and they said that it was perfectly possible. A great deal of screening is already done to take out dross—issues such as pornography—and it is perfectly possible to screen out targeted groups as well.

Keir Starmer: Obviously, I should be very interested to hear how that could be done at the outset, and I am sure that the Minister would as well.

Let me make two points to emphasise why there is such concern about bulk powers. It may well be possible, depending on the parameters that are set, to reduce the likelihood of obtaining through bulk powers material that is sensitive in one shape or form, but I do not think it is possible to eliminate it. It may well be that most of that is done at the filtering stage, rather than at the stage of the initial exercise of the bulk power. I am not seeking to explain why bulk powers inevitably capture such information, or to justify that; I am simply explaining why I think so many people are concerned about the bulk powers. That is why Labour has made it clear that, given the breadth of the powers, the operational case for them must be properly made and properly reviewed, and that is why the safeguards must be reviewed.

The issue of the safeguards may need to be revisited when the Bill is in the other place. As the right hon. Member for Haltemprice and Howden knows, the Tom Watson and David Davis case is currently midway between the Court of Justice of the European Union and the Court of Appeal. Although it touches on existing legislation and retention powers, it may have implications in relation to the Bill when it is given further consideration, and will certainly be important when it comes to consideration

of safeguards. Let me also, in passing, echo the concern expressed by the right hon. and learned Member for Beaconsfield (Mr Grieve) in relation to operational purposes, an issue which also arose in Committee.

As for the review, the first stage is to ask whether the operational case has been made. I referred yesterday to an exchange of letters between the Minister and me. I hope that copies of the letters have been made available; I think that they have been made available to the House, and that every Member has them. However, I want to put on record what was being asked for, and what the response was. Let me say at the outset that this was a constructive exchange, which moved a significant issue significantly further forward.

I wrote to the Minister that the review to be carried out by David Anderson should be

“supported by a security cleared barrister, a technical expert and a person with experience of covert investigations”,

that it should

“Examine the operational case for the bulk powers in the Bill, not merely in respect of the utility of the powers, but also their necessity”,

that it should

“Have access to all necessary information as is needed to undertake the review effectively, including all information provided to the Intelligence and Security Committee”,

and that it should

“Take about three months to complete and...report to the Prime Minister in time for the findings to inform Lords Committee considerations of Parts 6 and 7 of the Bill.”

The Minister's reply is important, as Members who have had an opportunity to read it will appreciate. He wrote:

“I can confirm that the basic framework for the review will be as set out in your letter...David Anderson has hand-picked this team and we are confident that together they have the range and depth of knowledge needed to undertake a comprehensive review.”

I was very anxious that David Anderson should pick as members of his team people whom he considered to have the necessary competences to help him with the review that he has been asked to carry out independently, and I am pleased that he has done so. I have been assured by him that he is very happy with his choices, and with the skills from which he will benefit as a result of that exercise.

The Minister's letter continues:

“In relation to your second point”—

this is really important—

“it is absolutely the case that this review will be assessing the specific question of whether the bulk capabilities provided for in the Bill are necessary. The review team will critically appraise the need for bulk capabilities, which will include an assessment of whether the same result could have been achieved through alternative investigative methods.”

That goes to the heart of the issue. If that is the focus of the review, it will give comfort to the Labour team—and, no doubt, to members of the Scottish National party, notwithstanding their concerns—and to all our constituents as well.

Joanna Cherry: Does the hon. and learned Gentleman agree that the timetable for this independent review is such that, whereas the House of Lords will have time to scrutinise and debate it, the House of Commons will not? Does he agree that that is not acceptable in a democracy?

Keir Starmer: I am grateful for that intervention. I have been asking for the review for some time and my preference was always that it should have been earlier and available to us now. In fairness, and in keeping with what I said yesterday about the exercise that we have been conducting, I recognise that it was a big ask of the Government at this stage, particularly in light of the pre-legislative scrutiny. I am always inclined to look on the positive side and the fact that there is a review, under the terms for which we asked, is important. Of course, when one looks back at anything, one can always make the argument that it should have been done earlier and, usually, differently. I accept that it would have been good if we had had the review by this stage, which is why I put forward my argument as I did before, but I emphasise just how significant this is and what a significant change of position it is for the Government. It is constructive and positive, for which we are grateful.

Mr David Davis: The powers mostly already exist and this is an avowal of existing powers, so in some sense the question of the hon. and learned Member for Edinburgh South West (Joanna Cherry) is different from what it would normally be. We have powers and may not change them as result of the delay, but there is an implication for how soon we review the whole package and how soon we come back and re-legislate. It has long seemed to me that this is a piece of legislation that lends itself to almost annual review, renewal and reform. The way to deal with the problem may be to ensure that we get a relatively rapid review and reform of the legislation in another part of this business.

Keir Starmer: There is a case for frequent review, but what form that would take is a matter for us to discuss during the debate on the next group of amendments. I take the point that, in many senses, most of the bulk powers are currently available and being used. As I said yesterday, however, that does not mean that we should not scrutinise them now through the passage of the Bill. This is the first time that Parliament has had the chance to examine and scrutinise the provisions, because they simply were not avowed. The change of position on the avowal of the powers over the past three or four years and the fact that they are in statute are quite extraordinary. It would be wrong to say that as they existed and were used under more general provisions in the past, we should not ask for the operational case to be made now and have that properly scrutinised. This is the right way of doing things, even though one might say that it should have been done five, 10 or 15 years ago when things were different.

Mr John Hayes: That is why the focus on necessity and not merely utility is so important. It would have been easy to have focused on utility. As the hon. and learned Gentleman emphasised earlier, this is about establishing to the satisfaction of independent people that the powers are necessary.

Keir Starmer: That word necessary is important in all of this. As I say, the review team's ability to assess whether the same result could have been achieved through alternative investigative methods is important to that exercise and the confidence that we can have in the outcome.

Pressing on, the letter goes on to say that "all necessary information, access and assistance as is needed for the review"

will be provided. It then states:

"We are absolutely clear that there is nothing to be gained, and much to be lost, by in any way restricting the review team's access to sensitive and classified material where this is necessary to inform the review process."

On timing, it states

"you are correct that the review will be concluded in time to inform Parliament's consideration of Parts 6 and 7 of the Bill at the Lords Committee."

There is a complete and instructive response to the request in my letter and that will help a great deal in how the review is received.

The review is important. It is not just an exercise for us in this House or those in the other place; it is for the public. As the right hon. and learned Member for Beaconsfield said, some Members of this House have had access to some of the powers and have seen them in operation either in previous roles or in briefings to the members of various Committees. However, it is no longer enough, nor should it be, for members of the public for politicians to stand up and say, "I have had it demonstrated to me that these powers are necessary or have been used in a particular way." They have the right to as much information as possible to make decisions for themselves.

2.15 pm

Anne McLaughlin: If the review comes back and says that the bulk powers are not necessary, what will the Labour party do then?

Keir Starmer: I will assess that at the time. It depends on what the report says, because if it calls any of the powers into question or makes any recommendations about their exercise, we would all want to consider that. It would be difficult for anybody in this House or the other place to make a case for a bulk power that an independent review has deemed unnecessary. Let us wait until we get to that stage and let us see what the review actually says.

As for confidence in the review, there is a question of publication. It is important that the review's report is publicly available. I obviously understand that David Anderson and his team will see highly sensitive material, to which they will have unrestricted access, so the detail that can be put in any public report will inevitably be limited. I think everybody understands that. It is important that the report is published in some form, as most of David Anderson's report have been, so that they can be read not only by Members of this House and of the other place, but by members of the public seeking assurances about and confidence in the review.

Fiona Mactaggart (Slough) (Lab) This issue goes to the heart of one reason why the Bill is particularly difficult. This House depends on the members of the Intelligence and Security Committee, who find out in private sessions how the powers are being used, to report back to the House, in a way that ends up being redacted, about their confidence in the powers. We have a duty to ensure that the public are as well informed as possible, in concert with our need to protect national

security, about how these things work. That is the challenge and is one reason why the House has found the Bill quite difficult to deal with.

Keir Starmer: I agree with those sentiments. Conventions and attitudes change. To take an example from my past, it was once a convention that a prosecuting authority would not give reasons for its decisions, but that has changed and for the better. The days of politicians with access to particular information assuring the public simply by saying that they have had access and that they are satisfied are well and truly over. That presents problems and difficulties in relation to what must be put in the public domain.

Mr John Hayes: The intervention of the right hon. Member for Slough (Fiona Mactaggart) has been helpful in aiding me to frame my own. She is right that operational concerns are sensitive, delicate and, of course, secret matters. The hon. and learned Member for Holborn and St Pancras (Keir Starmer) is absolutely right that we should put as much information as possible in the report. He is also right that there will be access to security-cleared information of a highly sensitive nature, but that should not prevent us from being as clear as we can to this House, and more widely, about why it has been decided whether certain powers are necessary.

Keir Starmer: I am grateful for that intervention, which I will take in the spirit with which it was put forward. We want maximum publicity within the constraints that apply when highly sensitive information is considered. The first point of the review is to inform their lordships so that they can perform their scrutiny function, but they will be unable to do that if the report is not available to assist them in their deliberations. The review and its terms are a material and important step forward, and I am grateful for the indication about its publication when it is complete.

That takes me to the subject of medical records, which I can deal with swiftly.

Alex Chalk (Cheltenham) (Con): Does the hon. and learned Gentleman agree that this review on the necessity of bulk powers is welcome, not just to give the public confidence, but to give confidence to the intelligence agencies that must use them? In my experience, they are scrupulous about acting within the law, and we owe it to them to award powers that they can be satisfied are both necessary and enjoy public support.

Keir Starmer: I do agree with that, and I have emphasised to the security and intelligence services that there is value in this exercise from their perspective, in making the operational case for the powers that they exercise and wish to continue exercising. That is another good reason for the review.

There has been an ongoing concern, raised first by the Scottish National party and then by Labour in Committee, about access to medical records. The concern for Labour, which I am sure is the shared position, has been about “patient information”, as defined by section 251 of the National Health Service Act 2006. That means information relating to mental health, adult social care, child social care and health services. I do not need to spell out for the House why many members of the

public—my constituents and, I am sure, those of many Members—are deeply concerned about the very notion of the security and intelligence services having bulk access to those sorts of sensitive records. We tabled an amendment in Committee proposing a high threshold for the exercise of powers in relation to those records, and this is reflected in amendments 303 to 305 before the House today.

The Government have tabled new clause 14 in response to our demands. Although it does not take the same form as amendments 303 to 305, on my analysis, because of the way subsection (6) is framed, it would cover mental health, adult social care, child social care and health service records. If, either now or at some convenient point, the Minister could indicate that his understanding is that it would cover those records, I will not press amendments 303 to 305 to a vote.

Simon Hoare: There is a golden rule in the Hoare household that when in doubt we turn to Kipling—not the exceedingly good baker, but our rather excellent writer. I pray in aid Kipling in order to summarise.

I was not intending to speak on this grouping until I heard the cases deployed by the SNP and by the hon. and learned Member for Holborn and St Pancras (Keir Starmer). On the latter point, I concur and support what he said entirely, but the approach of the SNP, which we have heard since Second Reading—it was certainly a golden thread running through Committee—is one of serious annoyance to me, as I am pretty certain it is to colleagues. I am absolutely certain it is of huge anxiety to our constituents. The hon. Member for Glasgow North East (Anne McLaughlin) obviously has constituents who are very different from mine. She and I served on the Immigration Bill Committee, as did the shadow Minister, some little while ago. According to her, no constituent of hers had ever raised the issue of immigration, yet all constituents have raised with her these huge Glasgow concerns about bulk powers.

Anne McLaughlin: Will the hon. Gentleman take an intervention?

Simon Hoare: In a moment, because I want to give the hon. Lady the benefit of the words of Rudyard Kipling. I do not personalise this to her; rather I make it as a general point to her party. The SNP has demonstrated:

“Power without responsibility—the prerogative of the harlot throughout the ages.”

The SNP is using a position of power to malign and undermine, as it has continually sought to do, the confidence of this House and of the country in the robustness and ethics of those in our security services, who, day in, day out, seek to use—I agree with the point made by the shadow Minister that they also require this—the public confidence that they have in order to make sure they have the right skills and tools to keep our constituents safe.

Joanna Cherry: I very much resent what the hon. Gentleman is saying. Is he aware that one of the founding members of the SNP, Sir Compton Mackenzie, was a member of the British security services? Is he aware that in Scotland we have one of the best records of crime prevention in the world? Is he aware that we have responsibility in Scotland—we run the Scottish Government

[Joanna Cherry]

and are now into a successful third term? Will he please reconsider his remarks, which SNP Members and most people in Scotland will find deeply offensive?

Simon Hoare: All I will say to the hon. and learned Lady, once she has calmed down from her faux anxiety, is that Compton Mackenzie must be turning in his grave, because there is a significant dereliction of duty here. One would think—this may be the case in Scotland, and if so, SNP Members must forgive my ignorance—that there is no organised crime, and that there are no paedophiles, people traffickers, terrorists and drug dealers. One would think there are no people who are trying to do us ill. Perhaps, to use the analogy of my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), it is the view of the SNP that a quick rifle through a mail sack and the identification of a particular hand in a quill pen will be sufficient to interrupt some terrible deed. That may very well be, and SNP Members may be right that that will satisfy their constituents. I can tell them that it will not satisfy mine. My constituents look for the Government of the day, irrespective of the stripe, to carry out with seriousness and with democratic accountability the first duty of the state, which is to protect the realm and its citizens.

Mr Alistair Carmichael (Orkney and Shetland) (LD): I hope that the hon. Gentleman will accept that I hold no brief for the SNP—I struggle on many days to hold any affection for it. But may I offer him the opportunity to reflect on what he has said about the duty of the SNP Members and others of us, including a substantial number on his Benches? None of us would seek to undermine the work of the security services, but it is our duty to ensure that the powers given to them by this House are necessary and proportionate. That is the work in which we are engaged here, and if we are talking about a breach of duty, it would be a breach of our duty if we were not to do that.

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. The right hon. Gentleman wishes to catch my eye very shortly, and of course I want to hear him speak, but I do not want to hear the speech twice. We need short interventions.

Simon Hoare: The right hon. Gentleman has offered me an invitation and I hope he will not be offended if I do not accept it. I do not wish to reflect on or reconsider how I have positioned this. Everyone in this House has to be incredibly careful not only what we say and how we say it, but how it can be understood or construed. The Labour Front Benches have been very clear, and I welcome their position. For the past 12 months, almost since we debated the Anderson report in this place on that Thursday last July, it has seemed that those who are bringing together the collective wisdom of the SNP have watched just a few too many reruns of “Enemy of the State” and have read too many books where they presuppose that those honest men and women who, under the rule of law, are trying to keep us safe are, in some way or another, insidious, acting in an underhand and duplicitous way, and wish us ill. As I understand it, that is essentially what they are saying. Whether they have said it implicitly or explicitly, that is my interpretation. We heard it in Committee, which is why I will be opposing their amendment later on.

2.30 pm

Keir Starmer: Let me put it on the record that I and the Minister said at the end of the Bill Committee that the SNP had played a significant role in ensuring that this Bill reached this stage of its proceedings in much better shape than it was when it was in Committee. It was a very constructive exercise by the SNP. SNP Members took different approaches on issues to us, but to suggest that they have not played an important part in this is not to reflect the views at the end of the Committee stage.

Simon Hoare: I am inclined to agree with the latter point, but at every step and turn, every SNP amendment, on my reading and on my hearing and my understanding, has been designed to delay and frustrate. We have had the canard that has run through the debate that we have not had adequate time to debate and discuss these issues. I will not rehearse the times, Mr Deputy Speaker, because you know them. You know how many Committees of this House have looked at the matter. The Bill Committee stood for a long period of time. We had a long debate on Second Reading. The Government, and the Ministers in particular, have bent over backwards to ensure that they can land this Bill in a shape and form that is acceptable to the vast majority of Members of this House and, one would hope, of the other place.

Joanna Cherry: If the hon. Gentleman thinks that all the amendments laid by the SNP were designed to delay or frustrate the Bill, how does he explain why his own Government accepted new clause 6 on “Civil liability for certain unlawful interceptions”—I do not know whether he was in the Chamber yesterday—which was an amendment tabled by me on behalf of the Scottish National party? I say again, perhaps he would like to reconsider his comments carefully.

Simon Hoare: Heaven rejoices when a sinner repents. Of course, Mr Deputy Speaker, it is marvellous news that there has been one amendment out of about 127,000 amendments that the SNP has tabled throughout this process that has been acceptable to Her Majesty’s Government. [Interruption.] Oh, it was just 1,000. It felt like 127,000. Forgive me. This is the fundamental point. The hon. and learned Lady is right, and that is why I find it surprising. The SNP is clearly a grown-up and mature party. It is now in its third term of government in Edinburgh. It will be discharging some of these duties. It will be consulted on different things by Ministers and by those responsible for appointing commissioners and all the rest of it. There seems to be a rather peculiar disconnect between the seriousness with which the SNP takes the duties of governance north of the border and this impression of flippancy it gives when it comes to national security.

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. May I just help the hon. Gentleman? I know that he likes to bring the Chamber alive, but he needs to start to speak to the amendments. We have heard his antagonistic bits. Now I want to hear something about the amendment, because I also want to hear his colleagues, and I am sure that he does too.

Simon Hoare: Mr Deputy Speaker, you are absolutely right. I hope that I continue to be in order—

Mr Deputy Speaker: Let me reassure you that you were not in order, which is why I want you to be in order.

Simon Hoare: Let me reiterate something that might have got lost in some of the steam. I am speaking because I oppose the amendment that has been tabled.

Mr Deputy Speaker: Order. I really do not need much advice. In fact, I will give a little bit of advice, which is that we speak to the amendment—we do not speak around it or leading up to it. It is the detail of the amendment that we want. I am sure that the hon. Gentleman wants to be back on track, and I welcome that.

Simon Hoare: I oppose the amendments because they would delete very significant powers that are required. I have—as I believe the Government have—confidence in our services to deploy in an accountable way. If the hon. Member for Glasgow North East presses her amendment to a Division, I will oppose her, even if no one else does. I am content with the arguments deployed by Ministers that those bulk powers are required. We cannot dodge our responsibilities on this. We may find that it infringes and impinges on the sacred flame of civil liberties but, to keep our country safe, so be it.

Mr Carmichael: I can only regret the tone of the remarks of the hon. Member for North Dorset (Simon Hoare). Had he said anything about the content of the Bill or the amendment, I might have regretted that as well.

There are a number of matters on which I wish to touch today. I should like to speak first of all in relation to the review, which has formed so much of today's debate. I very much welcome the appointment of David Anderson, QC. He commands respect and confidence in all parts of the House. As the hon. and learned Member for Holborn and St Pancras (Keir Starmer) said earlier, it is significant and important that, first of all, he has a remit that looks at the necessity of these provisions and also that he has been able to select for himself the team with which he will be working.

I very much hope that the report will be produced in time for the Bill to be given the benefit of it when it is considered in the other place. I say to the Minister that if it is a question of a week or two here or there, notwithstanding the deadlines to which we are all working, it would be proper for the Government to take the view that it is best to get this report right rather than to get it out quickly. For my part, I am disinclined to think that David Anderson would have taken on this job if he were not able to do it in the time that is allowed to him, but, as we all know with these matters, sometimes the unexpected happens and sometimes it is not always easy to get to the truth of things. I do hope that there will be a degree of flexibility among the Government's business managers, not least if we need a Government day to debate the report, so that the House has its voice heard.

Mr John Hayes: I will, if I may, suggest to the right hon. Gentleman, whom I worked with in government and whom I know very well, that the scope of the report should be a matter for David Anderson. For example, if he were to want to take into account the experience of

other countries—this is something that the right hon. Gentleman and the SNP spokesperson called for—that would be a matter for David Anderson. We are not attempting to tie his hands in any way. As the right hon. Gentleman knows, it is my view that we need to get this review completed, so that we do not pass something into legislation without the information that emanates from it.

Mr Carmichael: I am grateful to the Minister for that. We are now best served by allowing Mr Anderson to get on and do the job that we have given him. I merely say in passing that it would have been better if we had given him that job some time ago, so that this House might have had the benefit of his conclusions when debating this whole matter. None the less, I welcome the conversion of the Government, however late in the day it may have come, to the need and to the acceptance of what even the Labour party has said, which is that the operational case for the extent of the bulk powers that the Government have sought to introduce in this Bill has not yet been made. The operational case that they have published has been vague, to be kind to it, and it has certainly been lacking in any persuasiveness.

We will look very closely at David Anderson's conclusion with regard to the necessity of these powers, because that should have been the first test that was set and that was required to be met. I take very little issue with the right hon. and learned Member for Beaconsfield (Mr Grieve), or indeed the hon. and learned Member for Holborn and St Pancras, when they talk about the protections that they think should be built into the Bill. Protections are necessary only if the powers are first judged to be necessary, which comes to the very heart of the points made by the hon. Member for North Dorset. The Bill has very much been a work in progress and I wonder whether we would have had the 104 Government amendments we had yesterday and the 20 that we have today, never mind those tabled by the Intelligence and Security Committee, by those on the Opposition Front Bench and by the Scottish National party, if the House had taken the approach to the Bill and its scrutiny that was being urged on us a few minutes ago.

On the question of bulk personal datasets, I share the substantial concerns that have already been expressed. That brings me back to the objection that I have already spoken about—to the operational case. That is another aspect of the Bill that the Government have failed to explain. The operational case is perhaps even more opaque than anything else in the Bill. Although the abuses—let us use that term—outlined by the hon. and learned Member for Edinburgh South West (Joanna Cherry) and acknowledged by the right hon. and learned Member for Beaconsfield might be at the lower end of the scale, I have a strong suspicion that it was because they were at the lower end of the scale that they came into the public domain in the first place. When we are dealing with something that strikes in such a fundamental way at the relationship between the citizen and the state, there is, frankly, no such thing as a trivial abuse. Any abuse is serious, any abuse is to be taken seriously, and that is why I thought that the hon. and learned Lady was right to bring them to the House's attention.

Joanna Cherry: I thank the right hon. Gentleman for his generous and measured comments earlier about the SNP's role in the Bill. To pick up on his point, is not the

[Joanna Cherry]

problem that once the warrants have allowed bulk data to be scooped up there is no legal regulation of how it is analysed, which is why these individuals within the security services were able to break the rules—there are no warrants; it is about internal regulation?

Mr Carmichael: The hon. and learned Lady is absolutely right, and I draw on my own experience when I say that in giving power to public authority in this way it is important that we should be as specific and prescribed as possible.

To draw on my experience, I recall the passage of the Criminal Procedure (Scotland) Act 1995. At that time, I was a procurator fiscal depute in Aberdeen and one of the innovations introduced in the Act was the ability of a prosecutor to comment on previous convictions before a jury in Scotland. I have no doubt that at that time all sorts of undertakings were given at the Dispatch Box, but when we as prosecutors—and, I like to think, fairly measured prosecutors in the public interest—saw that provision, the discussion did not centre around how the undertakings had been given at the Dispatch Box but how we could use it, its extent, where the boundaries would lie and what would constitute a step over the line and a step just inside it. There were always some in the office who were quite keen for the line to be a little bit elastic.

That is a much more trivial example, because of course it was a measure for which there would have been obvious and immediate judicial scrutiny. If any depute were to overstep the mark in court, it would be immediately obvious and they would be pulled up on it. There will not be the same scrutiny, there is not the same oversight and we ask a great deal of those who serve in our security services if we give them such a wide range of powers with so little definition. The lack of definition, the lack of proportionality and the lack of necessity underpin my concerns, which, I think, are shared in other parts of the House.

2.45 pm

Wendy Morton (Aldridge-Brownhills) (Con): It is a privilege to speak on the second day of consideration of this very important Bill and to follow hon. and right hon. Friends and colleagues, as well as the many learned friends and colleagues—[*Interruption.*] I did not quite expect to hear that noise from the skies during my opening comments; I do not normally have this sort of impact.

I do not wish to disappoint people, but unlike my hon. Friend the Member for North Dorset (Simon Hoare) I sought neither inspiration nor cake from Kipling. Instead, I turned to the American scientist and author Neil deGrasse Tyson, who wrote very perceptively:

“Any time scientists disagree, it’s because we have insufficient data. Then we can agree on what kind of data to get; we get the data; and the data solves the problem. Either I’m right, or you’re right, or we’re both wrong. And we move on. That kind of conflict resolution does not exist in politics or religion.”

Very wise words, I think.

I believe that the advantage scientists have over the rest of us who base our judgments on instinct or hope should also be available to the people who keep us safe,

our security personnel and the agencies in which they so importantly serve. I appreciate the sensitivities and difficulties with this topic of bulk powers, but I feel that the Bill has had a lot of scrutiny. It has been a long time in gestation, and rightly so.

Our security services need data, the raw information—perhaps from dozens of sources. They need the hundreds, perhaps thousands of pieces with which to build a picture of the threats that face us, and they then have the knowledge to take the right action against them. In today’s world in which data are all around us, our security personnel need to be able to collect them and to have the right, with safeguards, of course, to pull them all together.

There was a good deal of discussion on Second Reading, in Committee and now on Report on the nature of bulk powers and bulk review. It saddens me that a notion seems to have developed among some that the security services, given the chance, will use new powers to Hoover up all the information on us all without any control at all. I think that that perception is false. Why? As we have been told, the bulk powers referred to in this Bill are already provided for in existing legislation. The Bill brings them together and, importantly, makes them subject to robust statutory safeguards.

Kevin Foster (Torbay) (Con): My hon. Friend is making an excellent speech. Does she agree that, as mentioned by the hon. and learned Member for Holborn and St Pancras (Keir Starmer), having one Bill that brings consistent tests to this area and to the use of this power makes eminent sense and that that is why it should be supported?

Wendy Morton: I am grateful to my hon. Friend for his helpful intervention. He is absolutely right; it makes sense to bring these powers together and, while doing that, to consider the safeguards.

Yes, the Bill provides our security and intelligence agencies with the ability to obtain data in bulk in order to identify new threats and to learn more about existing threats, but I feel that it does not confer on them new and sweeping powers. Our intelligence agencies have bulk collection powers but they do not conduct analysis of the data in an indiscriminate manner without reasonable suspicion—it would not be lawful for them to do so. In the modern world these powers, which already exist, are crucial. Bulk capabilities are crucial.

To investigate a target, our agents need to be able to acquire its communications in the first place. When a target is overseas, bulk interception is one of the key means, and may be the only means, by which we can obtain communications that would otherwise not be available. This is especially so if that potential threat is operating in an area where we have no strong diplomatic link or where the governing authority is not in control of all its own territory. We know from yesterday’s debate that bulk powers and their use have been instrumental in keeping us safe from threats abroad and, indeed, at home. It is worth noting that the bulk powers in the Bill have already played a significant part in every major counter-terrorism investigation of the last decade, including in each of the seven terrorist attack plots disrupted since November 2014. They have been essential in identifying 95% of the cyber-attacks

on people and businesses in the UK discovered by the security and intelligence agencies over six months. Here at home the existing powers have been used to identify serious criminals who were seeking to evade detection online and could not be pursued by conventional means, supporting the disruption of more than 50 paedophiles in the UK in the past three years.

I would like to quote the words of my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), who is no longer in his place but who has been contributing to today's debate. He is a former Attorney General and not, if I may say so, a man who lightly allows liberties to be chipped away. He said of the Bill:

"The present Committee and its predecessor are satisfied that the Government are justified in coming to Parliament to seek in broad terms the powers that the Bill contains. None of the categories of powers in the Bill—including the principle of having powers of bulk collection of data, which has given rise to controversy in recent years—is unnecessary or disproportionate to what we need to protect ourselves."—[*Official Report*, 15 March 2016; Vol. 607, c. 836.]

Of course, some will disagree with the former Attorney General and they rightly have the opportunity to do so, but I happen to agree with him on those points.

Finally, I want to touch on calls from Labour and the SNP on Second Reading and in the Public Bill Committee for independent validation of the operational case. We should recognise that the Government have listened and, in response to those calls, have confirmed that David Anderson QC will undertake a review to inform the passage of the Bill through the House of Lords. Parliament will then be able to decide.

I will support this Bill as one that codifies the law as much as it extends it, and that builds robust safeguards against intrusion while at the same time safeguarding the public. I believe that it is an extremely important Bill—important to our country, important to the people of our country, and important to our constituents.

Gavin Robinson: It is great to follow the hon. Member for Aldridge-Brownhills (Wendy Morton), who made a powerful speech and a lightening-inducing one, it seems, to judge from the weather outside.

Wendy Morton: Not for the first time.

Gavin Robinson: Indeed.

I commented in the Tea Room earlier that I probably would not get the opportunity to contribute on Third Reading because the debate yesterday and today has been dominated by heavyweights. When I said that to a Government Member, he looked oddly surprised that I would not satisfy that criterion. I am pleased to have the opportunity not only to speak at this point on consideration, but to make the point that it would have been wholly worthwhile to have had just one Northern Ireland voice on the Bill Committee.

Members will have recognised just how considered and detailed the process has been. On Second Reading I focused my remarks solely on the prison officer, Adrian Ismay, who had been murdered in my constituency and died that very day. I made the point that we cannot continue to have abstract conversations about the impact of terrorism or about the protection that we as a state

need on national security grounds, because in the here and now it is a matter of protecting us today, tomorrow and for every day to come.

I pay tribute to the Security Minister, the Solicitor General and all those Members who have so collegially engaged in making sure that what, in years gone by, was a difficult process with the Draft Communications Data Bill—the snoopers charter—has been set aside during what I believe has been a very encouraging debate and thoughtful consideration of the Bill. Credit is due to the Minister and his team.

A point was made by the shadow Home Affairs Minister in arguing for amendments 303 to 305, and I would be grateful if the hon. and learned Member for Holborn and St Pancras (Keir Starmer) considered this issue. We have had contributions from the right hon. and learned Member for Beaconsfield (Mr Grieve) on new clause 3 and he made the point that it would not be appropriate to retain the datasets—personal data—that engage mental or physical health issues. In the light of that, I would be keen to hear from the shadow Minister on how he believes that deals with amendments 303 to 305. If new clause 3 were passed, would those amendments be necessary?

I understand that it may not be possible for the shadow Minister to respond, although I am happy to give way. It would be useful to know whether those three amendments are likely to be pressed to a Division or whether he believes that new clause 3 deals adequately with the protections for personal health data.

Keir Starmer: I hope I made it clear that I will not press those amendments to a vote because of the new clause tabled by the Government in relation to health records, which covers the same categories of data. I am sure that that will be dealt with by the Minister when he responds.

Gavin Robinson: I am grateful to the shadow Minister for that clarification, which is very helpful.

On bulk data collection generally, the correspondence that was shared yesterday was incredibly useful. I do not recall getting correspondence between a shadow Minister and the Minister, which was shared with us all and made available in the Vote Office so quickly. It was useful and defused many of the fears and concerns that had been raised with Members of Parliament about the consequences of passing the Bill. It is important, as the right hon. Member for Orkney and Shetland (Mr Carmichael) said, that we let that process commence and that we engage in it thoughtfully.

Having made the point that there was no Northern Ireland representation during scrutiny of the Bill in Committee, I hope there is a mechanism whereby Members, be they Democratic Unionists, Ulster Unionists, Social Democratic and Labour party Members or others, get the opportunity to engage thoughtfully and purposefully in the conversation because, as we all know in the House, the history and legacy of Northern Ireland means that these are acutely live issues for us daily.

Mr John Hayes: Just before the hon. Gentleman finishes, I am more than happy to give him the assurance that my door is open to him, his colleagues and other parties during the whole passage of the legislation.

[Mr John Hayes]

When it leaves this House it will go to the other place, but I will continue to be engaged and involved with all parties who want to contribute in the way that he has described, and I thank him for it.

Gavin Robinson: I am extremely grateful to the Minister. With that—

Ian Paisley (North Antrim) (DUP): Will my hon. Friend give way?

Gavin Robinson: Of course.

Ian Paisley: I want to follow up on what the Minister said. He made the point that his door is always open and we appreciate that. That has always been the case, but it probably has more to do with the personal relationships that he has built over decades in this place with Unionists, and it is highly regarded on the Ulster Bench, if I can put it that way. However, there will come a time when members of this party and Members on this Bench should be considered all the time when it comes to selecting Members for Public Bill Committees, and it should not be matter on which we need a private arrangement.

Gavin Robinson: I am very grateful for that. No more interventions.

Seema Kennedy: It is a great honour to follow the hon. Member for Belfast East (Gavin Robinson).

Many right hon. and hon. Members have spoken with great experience and expertise through the various stages of the Bill. Listening to the high quality of debate, especially yesterday, I was struck by the thought that if we conducted all our business in this Chamber in this manner, our stock and our currency as Members of Parliament might rise a little with our constituents and other members of the public.

I feel humbled to speak on this crucial piece of legislation and, specifically, against the amendments tabled by the SNP. This Bill is designed above all to keep our constituents safe from harm. Some hon. Members may know that I grew up in the Tehran of the 1970s. Though now fondly remembered for its nightclubs and miniskirts, it was a city pervaded by the fear of SAVAK, the brutal secret police whose agents infiltrated every factory, every school and every park, so I am compelled to say that I have witnessed, and my family has witnessed, mass surveillance, and this is not it.

The SNP amendment would effectively remove parts 6 and 7 of the Bill, which deal with bulk warrants and bulk data sets. These show our adversaries that we will use every technological tool to keep ourselves secure, but we will not compromise on our principles.

Joanna Cherry: I do not know whether the hon. Lady was present at the time, but on Second Reading I made it very clear that the SNP was not calling the Bill mass surveillance; we described it as suspicionless surveillance. Does she agree that parts 6 and 7 permit suspicionless surveillance?

3 pm

Seema Kennedy: I am afraid that I have to disagree with the hon. and learned Lady. Again, as I mentioned in an intervention, these bulk powers are absolutely crucial for our security and intelligence agencies. Let us remember that they are the only agencies that are allowed to use these powers. The reason is that some of these things are unknown. I do not want to sound like Donald Rumsfeld, but there are unknowns out there, and bulk powers are the way to deal with them.

Tom Tugendhat (Tonbridge and Malling) (Con): My hon. Friend is making an extremely powerfully argument. Of course, one of the elements we constantly remind ourselves of when looking for terrorism or for these forms of abuse is that we are looking for a needle in a haystack. That is true, but without the haystack there is no possibility of even starting the search. These bulk powers are essential for building up that network in order to be able to search.

Seema Kennedy: I thank my hon. Friend for that intervention; he speaks with great experience.

Bulk powers are not novel. The powers already exist, but they are being given better oversight, scrutiny and transparency here. Some Opposition Members have spoken about the lack of necessity for these powers, but the necessity arises from an absolute obligation on our intelligence services to be as flexible and nimble as our enemies. Other Members, including my hon. Friend the Member for Aldridge-Brownhills (Wendy Morton), have set out the operational necessity of bulk data collection. It is about collecting information on overseas targets and providing that first sift of information—like a haystack, as my hon. Friend the Member for Tonbridge and Malling (Tom Tugendhat) mentioned—so that it is possible to drill down to the necessary data and discover new threats from people who were previously unknown and identify patterns of behaviour. That would then exclude innocent citizens and facilitate more targeted searches.

The effectiveness of collecting bulk data is borne out by the fact that it has been used in every major counter-terrorism operation in the past decade. It has prevented 95% of cyber-attacks and disrupted 50 paedophiles. It is clear that the UK does not undertake mass surveillance, first because of the existing legal framework in which the intelligence services already operate, and secondly because of resource constraints. I know that the Bill Committee heard evidence about that.

I want to speak briefly about the wrong hands argument to which the hon. and learned Member for Edinburgh South West (Joanna Cherry) referred. My right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) quite rightly said that if we worried about the wrong hands everywhere, we would never pass any legislation. Only the security and intelligence agencies will be given the powers set out in the Bill. Those are people who have an interest in disrupting plots and bringing suspects to justice. Very little evidence is being brought forward to suggest that they are motivated by prying into innocent citizens' private lives or that they use information wrongly. Millions of us, including all of us sitting here, handle sensitive data every day and are subject to rules, and to a large extent we obey that. Are we honestly saying that intelligence agents, having gone

through rigorous vetting and appraisal, are less trustworthy than our bank managers, our GPs' receptionists and our council officials?

The safeguards in the Bill pertaining to bulk powers are manifold and robust: the Secretary of State has to authorise bulk warrants; there is a double-lock authorisation procedure; the warrants are time-limited; there is a code of practice for the security and intelligence agencies on handling the data; and of course there is the review, which right hon. and hon. Members have expanded on at great length.

In conclusion, the proposed amendments would remove from the Bill the powers that are necessary for our security services to react to the evolving dangers that face our constituents today, here and now. Our security services do that while respecting our nation's values. For that reason, I will oppose the amendments.

Tom Elliott: I welcome the opportunity to speak in this debate and to follow the hon. Member for South Ribble (Seema Kennedy). I fully support this legislation. If anything, I am beginning to worry that it is already being watered down. I want to make it even stronger. That is why I oppose the Scottish National party's amendments. I heard the point made by the hon. and learned Member for Holborn and St Pancras (Keir Starmer) about health records; I appreciate that thought process and will support it if relevant amendments are proposed.

I have to say that I and some of my colleagues from Northern Ireland, and indeed on other Benches, have lived through the troubles and seen what terrorism has done. But we face a different type of terrorism now, and a different type of world criminality, much of which is conducted through technology—for example, via mobile phone signals and satellites and on the internet. We now have a totally different perspective. We therefore need a different mechanism, and we need it to be proactive, which is what I believe the Bill will do. It is about being much more proactive.

With regard to bulk capabilities, I do not see what the problem is. We have to have trust and faith in the people doing that surveillance and collecting that intelligence. If we do not have trust and faith in them to have the bulk capabilities, why do we have trust and faith in them to do other things? I think there is a real challenge out there for the wider public to realise what is actually going on in society. I do not realise everything that is happening, and I know that the wider public do not. That is why I have to have trust in those people who are carrying out these actions.

I am also aware that there needs to be a balance; I accept that. There needs to be a balance for the public, to avoid snooping and going into too much detail with these investigatory powers. However, that must be balanced against the wider public information that is required to deal with terrorism, criminality and the fraudsters in our society. For me, the priority in that balance is to deal with those people effectively. If that means people using those investigatory measures to look into some of my details, so be it. If I have nothing to hide, then I have nothing to fear. I have no difficulty with people looking at the details that are held on me, and that should be the same for the wider public if they have nothing to hide. There must be real opportunities here for the Government

and the people who are carrying out the investigatory work to deal with those details. That is why I think the amendments we are debating overstep the mark and would reduce the effectiveness of the people dealing with those causes. My speech has been brief, but I think that it has dealt with the amendments succinctly.

Suella Fernandes (Fareham) (Con): It is a privilege to speak in this debate, and indeed to have participated in the Committees that have considered the Bill: I was a member of the Joint Committee that scrutinised the draft Bill in February, and I was also a member of the Bill Committee earlier this year. I want to put on the record my appreciation of the Labour party's constructive and fruitful contributions. This vital legislation has come far since its first iteration. It is an example of cross-party collaboration, so I am glad that party politics has been put aside in the name of national security. I urge all Members of the House to act in such a manner when we go through the Lobbies later today. However, judging by the words of the hon. Member for Glasgow North East (Anne McLaughlin), I do not think that will be the case.

I rise to speak against amendment 309 and the others relating to bulk powers. The Scottish National party Members says that those powers are disproportionate, that they have no utility and that they are therefore unlawful. The amendments propose removing most of parts 6 and 7, from clause 119 onwards, and with them the three types of bulk power afforded to our security and intelligence services—bulk interception, bulk acquisition of communications data and bulk equipment interference. Those powers allow for the collection of large volumes of data and are set out in clause 119 onwards. Further warrants are required before those data can be examined. The purposes of such examination, which are set out in the Bill, may be to pursue more information about known suspects and their associates or to look for patterns of activity that may identify new suspects. Crucially, those powers are not afforded to law enforcement services.

I have a few points to make. First, these powers are founded on a clear and robust legal basis. They are all available to the agencies in existing legislation. Bulk interception is covered in section 20 of the Regulation of Investigatory Powers Act 2000. Bulk communications data are covered in section 94 of the Telecommunications Act 1984. Bulk equipment interference is covered in sections 5 and 7 of the Intelligence Services Act 1994. If amendment 390 and the others were passed today, we would remove the vital powers on which our agencies rely to do their jobs and we would prevent them from acting on those powers.

Secondly, these powers are not novel or a quirk of the modern age; they have been around for decades. Back in world war one, our intelligence services tracked the worldwide network of German cables under the sea by using secret sensors. They were able to intercept telegraph messages on a bulk basis, looking for patterns in communications and signals from the enemy.

When cables ended, radio surveillance was necessary to break codes during world war two. That involved bulk interception of data by hand. That work was famously based at room 40 of the Admiralty. Alan Turing and his team at Bletchley Park would never have cracked Enigma were it not for the bulk interception of

[*Suella Fernandes*]

cyphers. That advanced cryptanalysis changed the course of history by enabling the allies to pre-empt enemy planning, saving countless lives and shortening the war.

Joanna Cherry: Does the hon. Lady agree that the difference is that, in the days of Bletchley Park, we were at war? We are not at war now. What we are concerned to do here is not to assist this country's enemies, but to protect the privacy of the people who live here, who include her constituents.

Suella Fernandes: I am astonished by the hon. and learned Lady's suggestion that we are not at war. Paris, Brussels, Jakarta—I do not need to go on. We are engaged in a worldwide conflict against Daesh, and it is a threat to our security every day and every night.

Simon Hoare: My hon. Friend is right to draw attention to the terrorists, but let us not forget those who wish to wage war on the safety of our children through paedophilia and those who wish to wage war on the safety of women through people and sex trafficking. Those important elements are at the nub of the Bill, alongside terrorism, and we should not forget them.

Suella Fernandes: I totally agree. We are waging a foreign policy and international security war, but we are also waging war on the online fraudsters and the paedophiles. We are in a constant state of threat, and it is easy to delude ourselves if we do not face that threat directly.

Big data are presented to us as a modern phenomenon, but they are actually something that has been used before and that is quite old, and they lie at the heart of our heritage on national security.

Thirdly, the utility of bulk powers is clear. In its report, the Joint Committee made that clear after taking extensive evidence. At paragraph 340, we reported:

“We are aware that the bulk powers are not a substitute for targeted intelligence, but believe that they are an additional resource. Furthermore, we believe that the security and intelligence agencies would not seek these powers if they did not believe they would be effective and that the fact that they have been operating for some time would give them the confidence to assess their merits.”

The Committee concluded:

“we are content that the safeguards proposed by the Home Office, buttressed by authorisation by Judicial Commissioners and oversight from the Investigatory Powers Commissioner will be sufficient to ensure that the bulk powers are used proportionately.”

Therefore, after taking evidence from all sides of the debate, and from all the coalitions involved in this discussion, that was the considered conclusion of the cross-party Committee.

3.15 pm

The operational case was clearly made by the Government, who put forward clear examples of the utility of bulk powers. In 2014, analysis of bulk data uncovered a previously unknown individual who was in contact with Daesh-affiliated extremists in Syria. The investigation allowed our agents to identify that he was based overseas, which meant that they would have been unlikely to identify his patterns of movement without bulk information. They saw that he had recently travelled

to a European country and that he was planning an attack. That led to their being able to disrupt that attack.

In 2013, our agents used analysis of patterns of behaviour among paedophiles online. Our agents identified a UK national who had been visiting a website that sold images of child sexual exploitation. That website was hosted in a country that rarely co-operated with UK law enforcement agencies, rendering bulk powers absolutely essential in that investigation too. That individual was prosecuted and sentenced.

Lastly, bulk interception has been used to detect cyber-attacks against the UK, including large-scale thefts of data and serious fraud by cyber-criminals and hostile individuals. That was done using electronic signatures, which are similar to electronic fingerprints. Using those signatures, the agencies can scan the technical detail of internet communications for evidence of incoming attacks on the UK. They have been able to identify known forms of computer malware and new forms of cyber-attack. Cyberspace is so large, and technological change is so rapid, that bulk interception is the only way that our professionals are able to monitor them.

In conclusion, the terrorists, the paedophiles and the serious fraudsters all scheme in cyberspace these days. Technology that empowers us also, sadly, empowers them. Yes, we want world-class encryption and privacy, but we also want world-class security. We should trust the skill and restraint of those unsung heroes—the analysts, the cryptographers, the mathematicians and the codebreakers—who have used their genius to safeguard our security and who have maintained confidence and discretion in relation to the secrets they have seen. We, as elected Members, have a duty to explain their role to the public, but we must also trust their judgment, which is subject to weighty safeguards, checks and balances. These people have proved their heroism in our moments of need throughout history. Let us not further tie their hands and just hope that our enemies, who are plotting night and day to destroy our societies, do not, by chance, hit us; instead, let us empower our agencies. That is why I will be voting against the amendments.

Stephen Hammond (Wimbledon) (Con): Like yesterday, I want to make my usual declaration that I am not a lawyer. It is always dangerous to follow lawyers, particularly the excellent contribution of my hon. Friend the Member for Fareham (*Suella Fernandes*).

The amendments are clear, and I approach them from the same point of view of economic cybercrime and the importance of bulk data which I took in my comments on Second Reading and yesterday.

Understandably, the hon. and learned Member for Edinburgh South West (*Joanna Cherry*) raised concerns. I understand the resolve of her and her party on the central point about potentially using less targeted and less intrusive means, rather than bulk data. However, the Minister rightly made the point that there is a review, and he mentioned not only the necessity of the review, but that it would look at the necessity of these powers. If we consider the bulk powers in relation to economic cybercrime, their necessity becomes increasingly clear.

Over the past few years, our economy has been transformed by advances in technology, backed by encryption, with huge changes in how business is conducted.

E-commerce is a reality not for the few but for the many. Given the parcels that arrive on my doorstep from my daughter every day, it is a huge thing that has reached everybody. More than that, there are new business opportunities for the growing IT sector. The use of big data, which my hon. Friend the Member for Fareham discussed in an historical context, is becoming increasingly evident in the context of the internet economy in looking at patterns of behaviour to determine new product design and identify new customer opportunities.

Equally, those opportunities are extended to economic cyber-criminals and terrorists. My hon. Friend the Member for Aldridge-Brownhills (Wendy Morton) spoke about 95 cyber-attacks that have been identified through the use of bulk data. To choose one specific example, Apple has publicly accepted that the existing bulk data powers detected a vulnerability in its operating systems that, had it been exploited, would have affected the modification of the software being used on iPads and iPhones. It might have been used for all sorts of purposes, but one purpose could well have been the removal of data about bank accounts and other personal data. In the open world that we see at the moment, there are myriad threats, particularly in the dark web through password-protected information. Much of what happens is valid. The existence of encryption and anonymity protocols is a huge benefit to people, but criminals and terrorists have embraced this dark world as well. The power to acquire and analyse bulk data is therefore essential. My right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) said that we have to trust our security services. Those who have some experience have very clearly made the case that we should look at the whole issue of the existence of data harvesting.

I believe that the bulk data powers are essential because they allow for intelligence-gathering on overseas subjects of interest. They identify the “needle in the haystack” threats that my hon. Friend the Member for Tonbridge and Malling (Tom Tugendhat) talked about by identifying small displaced fragments of information, establishing the investigation of links between subjects of interest, understanding patterns of behaviour and communication methods, and looking at pieces of information that are acquired through new and varying sources. Bulk interception focuses on foreign intelligence. Criminality and terrorism is international, and it is therefore only right that we should have access to the data so that we can detect aspects of that criminality. The importance of bulk data acquisition is clear. Detailed and directed searches of bulk data communications can establish the fact that there is communications content between subjects of interest and reveal where attacks are planned. Bulk acquisition can help to direct where a warrant for more individual targeted data, such as interception, is essential and complementary. It also allows for searches of traces of activity where previously unknown suspects may be taking part in patterns of behaviour that are well known but not yet identified.

The Bill codifies and pulls together the powers that are already in place and puts in place some consistent safeguards. As my right hon. and learned Friend the Member for Beaconsfield said, none of these powers is unnecessary or disproportionate. Through the safeguards that they are putting in place in their amendments, the Government will ensure the review of valid lines of operation by Mr David Anderson. More importantly, a

number of cases will involve not just the Secretary of State but the judicial commissioner—the double lock that several Members have spoken about. In terms of the content acquired under the warrant that was initially going to look out for people internationally, if those data then pertain to people in the UK, another, more targeted examination warrant is needed. That is another protection and additional safeguard that was not there before. The statutory code of practice that is being put in place secures the safeguards that we need.

Particularly with regard to economic cybercrime, I hope that when the House considers the amendments on bulk data powers proposed by the SNP, it will conclude that Mr Anderson’s review is appropriate. Many Government Members are making an overwhelming case that these powers are necessary. I hope that the vast majority of colleagues will join us in rejecting the amendments.

Kevin Foster: It is a pleasure to speak in this debate. On Second Reading, I said that much of this can be dealt with in two ways: first, by making quite a sensationalist argument; and secondly, by looking at what is actually being proposed. Many of these powers, particularly on bulk data, are already being used, but they are now being avowed, put into legislation, and given a consistent framework. The legislation that already regulates much of this activity is from an era well before smartphones and the idea that a phone could do anything other than take a phone call. This Bill provides a much more modern piece of legislation, subject to clear safeguards.

While I appreciate the sentiments expressed by the hon. Member for Fermanagh and South Tyrone (Tom Elliott), I would always be tentative about using the argument, “If you have nothing to hide, you should have nothing to worry about.” I understand his point of view, certainly in terms of the bulk data powers, but we should always be rather careful about that being an argument for absolutely anyone being under surveillance at any time. That is not what is proposed in this Bill or these powers, given that there would need to be a warrant concerning how information is gathered.

It has been a pleasure to sit through the debate this afternoon, which has convinced me that the amendments are not justified and should be opposed. The speech given by the hon. and learned Member for Holborn and St Pancras (Keir Starmer) was thoughtful. He adopted a responsible position, as a member of the Opposition, in teasing out some of the legitimate concerns about the Bill and making some genuine progress in getting reassurances from the Minister. It was encouraging to see that level of exchange on things that genuinely cause some concern.

3.30 pm

I did not find allusions to the idea that we will take every letter from the Post Office particularly helpful or constructive. Neither did I find helpful the suggestion that if the police kick a door in, it will no longer be secure. When the police conduct a raid, they secure the property again afterwards, so that was not a particularly good analogy. I would never cast aspersions on any area of the country in particular, but it was a novelty to get a lecture on heckling from SNP Members, who regularly give me a good old heckle during my speeches. It is quite strange to be talking without being heckled, although

perhaps that will change at any moment. *[Interruption.]* Absolutely; I am only too happy to have it all the time. To be fair, some legitimate points have come out of one or two interventions, and we will need to work with Scottish law enforcement authorities on many of the powers that are exercised at a UK level.

A balance has to be struck. If we accept the amendments, we will remove the proposed powers completely. We will not modify them, make them slightly more secure or include extra protection. We will remove them completely, and I do not think that that is an appropriate step to take.

Anne McLaughlin: If the review shows that the bulk powers are not necessary, as the reviews in the USA showed, would the hon. Gentleman expect the powers to be taken out of the Bill?

Kevin Foster: I thank the hon. Lady for that helpful and interesting intervention. First of all, I would not want to prejudge the review. In addition, if the review came back to us and said that these powers were absolutely right, and that they were vital for national security, I hope that we could look forward to the SNP's immediate and wholehearted support. I have a funny feeling that we might not, however.

Let us not prejudge the review. As the Front-Bench spokesmen touched on in their exchange at the Dispatch Box, it is highly unlikely that if the review stated that something specific was not needed, such a measure would be proceeded with. How do we know what an independent review will come back with? If I knew, and I stood here and said so, the next accusation would be that the review was not independent because we already knew what it would come out with. That point does not support making the amendments, which remove these powers completely.

I have been satisfied by the changes that have been made throughout the process, as the Bill has come out of Committee into Report. Judicial safeguards have been strengthened, and there is now a stronger and more consistent judicial test for review of these warrants. Powers have been increased, as have the offences that apply if someone misuses data. The Government are striking the right balance between what we need in order to get hold of data that could keep our country safe, and the legitimate expectation of privacy. If data have been collected that are of no use, they can be removed and they will not be used for purposes beyond the original basis of the warrant.

Ultimately, in any unjustified use of a warrant, the Secretary of State remains answerable to this Parliament. If, for example, someone decided for some unknown reason that it would make sense to go into detail about political or trade union affiliation, they would be answerable to this House, and a Secretary of State would be most unlikely to survive that.

Joanna Cherry: Does the hon. Gentleman agree that the Secretary of State would be answerable to the House only if such activity came to light? It might not come to light.

Kevin Foster: I take on board the point that the hon. and learned Lady makes. However, as my right hon. and learned Friend the Member for Beaconsfield

(Mr Grieve) mentioned, the Intelligence and Security Committee would almost certainly oversee what was happening. As was touched on with the Minister, although the Committee is not involved in live intelligence work, it carries out reviews and, as discussed in relation to one of the probing amendments tabled by my right hon. and learned Friend, there is an understanding of an exchange of information. I think it is highly likely that such activity would come to light eventually. Clearly, a Secretary of State who had sanctioned that would know that, bluntly, their job was over.

The powers in the Bill are proportionate to their aims. They have appropriate safeguards, and more work will be done following the review. It is wrong to prejudge an independent review by constantly asking, "What happens if they say no?" To put it the other way around, what happens if they say yes? I do not think that the amendments are right at this stage. It is appropriate to retain these parts of the Bill, and that is certainly what I will vote to do.

Lucy Frazer: I am honoured to take part in this debate, as I was to serve on the Bill Committee. I waited with much anticipation to hear my hon. Friend the Member for North Dorset (Simon Hoare) quote Rudyard Kipling, but I am not sure that the quote was forthcoming. At first, I thought he might say, as Kipling did:

"A woman's guess is much more accurate than a man's certainty."
On reflection, I thought perhaps he would say that,

"words are...the most powerful drug used by mankind."
That would have been an apt quote in the context of the Bill, because communication can be revolutionary. We saw that with printing. Printing established the first mass medium for transmitting information, and some historians said that it played a role in the unrest that characterised the devastating thirty years war. They say that because although the doctrines set out by Luther in the 16th century were formulated two centuries earlier, they did not spread until the printing revolution.

We are now in the midst of a technological revolution. It has never been easier for terrorists to spread hatred and devastation across continents and recruit others to do so. Our security services need the tools to keep up with the technological developments.

I will deal with two matters: first, the background to the bulk powers and the reasons we need them; and secondly, the safeguards that exist in the Bill in respect of bulk powers.

The threats that we face are real. MI5 has said that the number of terrorism offences has risen by 35% since 2010. David Anderson, the independent reviewer of terrorism legislation, has said that at the time of his report, MI5 explained to him that it had

"disrupted two...plots by lone actors in the past nine months".

It explained to him that,

"identifying such individuals is increasingly challenging, exacerbated by the current limitations in their technical capabilities".

David Anderson was saying the same thing as the director of Europol, who in evidence to the Home Affairs Committee in January 2015 said:

"Given that a majority of those communications run by these networks are moving online, there is a security gap there."

He thinks that that is

"one of the most pressing problems that police face across Europe."

The bulk powers are an important part of our toolkit. The Home Office has said that the bulk capability has “played a significant part in every major counter terrorism investigation of the last decade, including in each of the seven terrorist attack plots disrupted since...2014”.

There are safeguards in the Bill. I have counted at least seven in relation to bulk interception. Bulk interception relates only to overseas communications; it needs to be activated in the interests of national security, in cases of serious crime or in the interests of the economic wellbeing of the UK; a warrant can be issued only by the Secretary of State; it can be issued only if the action is necessary and proportionate; the action of the Secretary of State is reviewed by a judge; there are restrictions on copying, disseminating and retaining the material that is collected; and there is a panoply of offences for cases of misuse.

During the Bill’s passage we have heard about additional safeguards. The Home Secretary has committed to providing a further operational case for bulk powers. We saw yesterday, with the passing of new clause 5, that the decision on whether a bulk power is allowed will be subject to the additional safeguard of a test of whether the result could be achieved by less intrusive means.

Like printing, the internet is improving our ability to communicate. We need to give our security forces the means to keep pace with these developments, because a country that cannot protect its citizens provides no freedom at all.

Stephen McPartland (Stevenage) (Con): I will speak to the amendments that stand in my name, amendments 153 to 160, which would remove clauses throughout the Bill that allow for the modification of bulk warrants. I will not press them because, like the rest of my amendments, they are probing amendments designed to tease out information from Ministers and ensure that there is further debate in the other place.

As I said in yesterday’s debate, I am not a lawyer, but in my humble opinion, major modifications of a warrant have the potential to completely change the key components of that warrant. I would like to understand at what point it becomes reasonable for a new warrant to be drafted.

I listened carefully to the Minister for Security yesterday and he said clearly to the House:

“I entirely accept the point that it would be completely unacceptable to have a robust system for issuing warrants and a less robust system for modifying them. Warranting has to be consistent throughout, and there can be no back-door way of weakening the process. That is not what the Government intend and not what we would allow.”—[*Official Report*, 6 June 2016; Vol. 611, c. 982.]

That is very reassuring and greatly welcome. I look forward to seeing how the robust system for modifications will be introduced as the Bill progresses. I accept that the Government have tabled a number of amendments to try to help in this area and, as I said, I will not press any of my amendments to a vote.

On a final point, I am not a particular fan of the bulk powers in the Bill. I have listened with great interest to the debates today and yesterday, and to the points that the Chairman of the Intelligence and Security Committee has made about how bulk powers are used at the moment. In my view, surveillance should be targeted and the subjects of that activity clearly identified. That may well be naive in some senses, and I appreciate that there may be some areas where we require bulk powers,

to identify the haystack, as has been said. But the *carte blanche* on bulk powers should not be the first resort; it should always be the last resort.

There has been a lot of talk about postbags, and whether the country is at war and so on. The debate in general has been very conciliatory and Members on all sides have tried to get a Bill that, at the start of this Parliament, was very difficult to a place where most people can stomach most elements of it. I am still not in a position where I feel I can support it, but, realistically, a lot of people now feel it has been greatly improved and there is a lot of trust in the Minister for Security and the Solicitor General because of their work in listening to people and accepting amendments.

I am also very grateful that the Home Secretary has tried to alleviate concerns and agreed to an independent review of the bulk powers in the Bill, led by David Anderson, the independent reviewer of terrorism legislation. I look forward to his recommendations and what comes forward from them.

Tom Tugendhat: It is a pleasure to serve under your chairmanship, Madam Deputy Speaker, particularly as you are appropriately attired in something that may indeed be collecting bulk data.

We are talking about amendments that would fundamentally undermine the very Bill that we have come to support, and would change the very tone of the debate. I speak very much in support of my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), who has gone through various aspects in quite significant detail, explaining to us time and again why the controls over the collection of bulk data are entirely appropriate. I also speak in support of the hon. and learned Member for Holborn and St Pancras (Keir Starmer), who has been through the Bill with the eye he has as a former Director of Public Prosecutions, seeing both the loopholes and the potential abuses, and covering them off.

I also speak in support of the Solicitor General, who has done exactly the same for us, and the Minister for Security, who has brought forward a Bill that answers the very questions that this state must always ask itself: how we guard our citizens and keep them safe while also keeping them free. This Bill does exactly that.

My first encounter with bulk data collection came in the constituency of my right hon. and learned Friend the Member for Beaconsfield, where the Defence School of Languages was sited. I was going through vast amounts of Arabic text. Although I was doing so in a most junior and rather ineffective manner, I learned how it was done properly. I was only a student; the masters have learned from that great Scots mathematician John Napier, who in the 17th century developed the logarithm, and whose lesson to us all, through mathematics, is how to build the pattern, understand the shape and break the code. That is why bulk data matter. We cannot build patterns without data and without volume, and we cannot make shapes without substance.

The bulk data are not themselves intelligence. As an intelligence officer in Her Majesty’s armed forces I was very proud to work on intelligence. It is not the raw product. It is what is analysed, what is useful and what decisions can be made from. That is not the bulk or the mass—the intelligence is the product. I am sorry to say

[Tom Tugendhat]

that there appears to be a slight misunderstanding as to what is the intrusion. The intrusion is surely not the clay from which the form is made, but only the detail on the individual that could be used against them. The Bill does not allow that without the tightest of safeguards, both from former judges and from serving Ministers.

Joanna Cherry: Is the hon. Gentleman aware that once the bulk data are collected by warrant there is an intermediate stage in which they are analysed in the way that he describes, but there is absolutely no legal regulation of how that analysis is carried out? That is our objection. How can I make it any clearer?

3.45 pm

Tom Tugendhat: The hon. and learned Lady speaks with her usual eloquence, but I am afraid I am going to refer her to schedule 4, part 1, which is a table containing a list of authorities and officers. The people who analyse are listed there. They are inspectors and superintendents of the Prison Service; lieutenant commanders and commanders of the Royal Navy; majors and, as in my case, very junior lieutenant colonels of the Army; squadron leaders and wing commanders; general duties officers of grade 4 and above; and Secret Intelligence Service officers.

There is a list—a catalogue—in schedule 4 of people in our country, men and women across these islands, whom we have trusted with the intelligence procurement for our nation to keep us safe. It is they who will be doing the analysis, under supervision. It is only when they have got something that is worth taking that they will be allowed to use it. That is the provision we are talking about and the type of supervision. People will not be allowed simply to collect and analyse. They will be allowed to collect and analyse only under warrant. That is absolutely essential.

Joanna Cherry: I repeat again: does the hon. Gentleman accept that no warrant is required to carry out the initial computer analysis? Does he understand that that is what those of us who were on the Bill Committee and who have worked on the Bill for months uncovered? Unlike some of his colleagues, who shout from a sedentary position that we do not understand this, we do understand it—we have been analysing it for months. Does he understand that there is no regulation by warrant of the analysis carried out by the individuals that he describes? That is the nub of the matter.

Tom Tugendhat: The hon. and learned Lady is, I am afraid, picking on a hole in the Bill that is simply not there. [Interruption.] It is not there because the collection of bulk data is entirely categorised by the Bill. The Bill supervises entirely the ability to collect bulk data. The analysis is then done by trusted officers of the state. To accuse them of anything other than the highest forms of integrity would be an extraordinary statement to make in the House.

Gavin Newlands (Paisley and Renfrewshire North) (SNP): Will the hon. Gentleman give way?

Tom Tugendhat: No, I am afraid I will not. I have given way enough.

It would be baffling to look at that list and accuse people of such integrity of having anything other than the best intentions. The important thing, however, is that we not only trust them, but supervise them. We trust but verify, as the old diplomatic phrase goes. The verification comes from the commissioners, which were listed yesterday, with their explanations, which the right hon. Member for Knowsley (Mr Howarth) was talking about yesterday. The supervision also comes from the Minister, and ultimately and eventually from the House.

I am therefore reassured that the Bill is not a snoopers charter or a grubby attempt to procure the information of the private citizens of these islands. On the contrary, this is an extremely effective Bill. It has been through months of discussion, and hours of detailed and deliberate interrogation. It has satisfied the extremely demanding standards of the Chair of the Intelligence and Security Committee, and the exemplary work of the former Director of Public Prosecutions, the hon. and learned Member for Holborn and St Pancras, whom I am pleased to see on the Opposition Front Bench.

The Bill comes to the House as a nigh-on complete work. Even so, the Government have considered and accepted amendments and further changes. We have not only a final but a polished copy of a Bill that is designed to do exactly what this country vitally needs. It does exactly what the Government are here to do. It keeps the people of these islands safe, whatever their background, origins, occupation or duties.

Fundamentally, it also protects the freedoms that we enjoy. Those freedoms are not, as the Americans put it, free. They are fought for every day, by the people on the list in schedule 4 that I have identified—our armed forces and our intelligence services. That is why I am so proud to be here today to speak up for the intelligence services who have asked for those powers; for the armed forces who require them; for the police who use them; and most importantly for the Government and, in this case, the official Opposition, who have so carefully crafted a legal document that will hold water today and for long into the future.

Mr John Hayes: What an interesting and important debate we have had. This group of amendments addresses bulk powers. It is right that we should consider these matters in considerable detail because, as has been said by Members from across the Chamber, they are matters of profound importance and public concern. The public want to be assured that the safeguards we put in place for these vital powers are right, adequate, properly considered and properly reviewed. Many hon. Members have contributed to the debate. Tellingly, the hon. Member for Belfast East (Gavin Robinson), my hon. Friend the Member for South Ribble (Seema Kennedy) and the hon. Member for Fermanagh and South Tyrone (Tom Elliott) spoke with personal experience of terror.

We all know the scale and nature of the threat we face, but though we know it, that does not mean that it should not be explored again and again in this House. For to explore it is to realise what we need to counter it. That is precisely what was done in speeches by hon. Members from all sides of the House. The threat is real, imminent and unprecedented in character. Our opponents are increasingly adaptable and flexible. Although their aims may be barbarically archaic, their means are up to date. They are entirely modern. They are prepared to

use every device and every kind of communications medium to go about their wicked work, which is precisely why the Bill does what it does, why bulk powers matter and why the amendments that stand in the name of the hon. and learned Member for Edinburgh South West (Joanna Cherry), which I will deal with in a moment, are not ones I can accept—that will not come as any surprise to her, by the way.

An argument has been made that the operational case for bulk powers needs to be fleshed out more fully. Hon. Members will know that the Government did just that when they published the operational case for bulk. That informed the Committee consideration, which has been referred to several times during our short debate today, and has been a helpful way of establishing why bulk powers really count.

We are dealing with powers that have played a significant part in every major counter-terrorism investigation over the past decade, including in each of the seven terror attacks disrupted since November 2014. These powers enabled over 90% of the UK's targeted military operations during the campaign in south Afghanistan, and they have been essential to identifying 95% of the cyberattacks on people and businesses in the UK discovered by the security and intelligence agencies over the past six months. My hon. Friend the Member for Tonbridge and Malling (Tom Tugendhat) is right to say that this is about real life operational necessity. I congratulate my hon. Friend the Member for Fareham (Suella Fernandes) on the role she played both on the Joint Committee and the Bill Committee. The threat she described so vividly is, as she said, worldwide and of a kind that would allow us to do nothing other than take the necessary steps to counter it in the defence of our freedoms.

I was perhaps a little unkind to the hon. Member for Glasgow North East (Anne McLaughlin) who spoke for the Scottish National party, although I make no apology for reprising what I said. Frankly, her contribution missed the point. The point is not whether the powers are necessary; it is whether we can put in place sufficient safeguards to ensure that they are used only when, how and where they should be. That was the point made by the Chair of the ISC and by the ISC when it had the chance to consider these matters. As the Chair of the ISC said, it then also had a chance to reconsider them, having been given further information of a secure kind—that is its function after all—and its members were persuaded that the powers were indeed necessary. It is right to have an informed, thoughtful debate about safeguards, checks and balances, and constraints, but we cannot have a grown-up debate about whether the powers count, because they are not new; they are existing powers. The Bill simply introduces additional safeguards, which I would have thought any reasonable Member would welcome.

Joanna Cherry: I gently suggest to the Minister that, as we have seen already this afternoon, patronising those of us who have taken the trouble to scrutinise the Bill, speak on it in detail and try to understand it does not get us anywhere. If the Government's operational case for investigatory powers is so convincing and overwhelming, why have they now conceded the need for an independent review?

Mr Hayes: Let me repeat two things I said yesterday. First, the members of the Bill Committee all made a useful contribution, and the hon. and learned Lady is of

course one of them. Secondly, the Government, in wanting to get the Bill right, are prepared to listen and learn, as Governments should be. I have been in the House for a number of years, and there has not been a single piece of legislation that has not been better for having received proper scrutiny, that has not altered during its passage and that has not been a better Act as a result of consideration by the House. We should be proud of that. I was simply saying that to focus on some of the detail around safeguards seems to be absolutely right, whereas the debate about the necessity of the powers has already been had. I think there is a general acceptance that the powers are necessary.

Joanna Cherry: No, it has not.

Mr Hayes: I do not know if the hon. and learned Lady was listening, but I read out three things: 90% of operations in Afghanistan, 95% of cyber-attacks, every single major counter-terrorism investigation over the last decade. I cannot be plainer about the necessity, but because the Government are so determined to ensure adequate safeguards, we have agreed to a further review. As the hon. and learned Member for Holborn and St Pancras (Keir Starmer), generously said, the review is to be completed in exactly the form that emerged as a result of the discussions between the Opposition and the Government—an illustration of the House behaving at its best. The review, chaired by David Anderson, will be able to look not just at utility—the point I made to the Chair of the ISC—but at necessity, and it will be independent.

Anne McLaughlin: So the Minister is saying that all these counter-terrorism activities were helped by bulk powers, but now we are going to have a review to see whether that is true. As I said, there were two independent reviews in the US. The NSA argued—much as he is arguing now—that all 54 counter-terrorism events had relied on bulk powers, but both independent committees said, “Absolutely not. Not at all. There were other techniques.” What will he do if this review finds the same as the two reviews in the US? Will he then remove the bulk powers from the Bill?

Mr Hayes: It is a bit rich to say, “We want a review and we want the Government to listen and agree”, and then, when they do listen and agree, to say, “You haven't agreed enough or soon enough.” I accept that the review should be entirely independent—I made that clear in my letter to the shadow Minister. I accept that it will be for David Anderson to decide exactly how he goes about his work. I have further accepted today that he should look at international comparisons, which I think is perfectly reasonable. It will be for David Anderson to decide whether he does that; if he wants to, that will certainly be within his scope. This will be an independent review, with as much information as possible made public, and it will be able to range, in the way the hon. Lady has described, across these powers.

4 pm

Mr Grieve: I have no doubt at all that the review done by David Anderson will be valuable and I hope it will also inform the House about how bulk powers work. In that context—and because I have picked this up—there has been a suggestion that the examination of material under a bulk warrant is somehow a free-for-all that is

[Mr Grieve]

left to the discretion of the official, and it plainly is not. It is subject to the operational purposes in clause 125, and if they are departed from, the official concerned would be acting unlawfully.

Mr Hayes: My hon. and learned Friend the Member for South East Cambridgeshire (Lucy Frazer) made the point, which my right hon. and learned Friend has now amplified, that these powers are subject to a range of safeguards. Let me be clear: the analysis of data intercepted in bulk is subject to automated filtering to ensure that data not of intelligence value are automatically discarded. This is a safeguard set out in the code of practice. There are rigorous safeguards in the Bill for examination, and the suggestion that there are not is, frankly, simply wrong and based on a confusion between the collection of material, as my right hon. and learned Friend has implied, and its examination.

Lucy Frazer *rose*—

Mr Hayes: It is right, therefore, that we emphasise—as my hon. and learned Friend, who is about to intervene on me, did—that the safeguards are clearly set out both on the face of the Bill and in the supporting material; and, indeed, that they have evolved as a result of the scrutiny we enjoyed in Committee and through the pre-legislative scrutiny.

Lucy Frazer: My right hon. Friend is responding to a point, which the SNP has made on a number of occasions, about the US. Does he, like me, remember when the hon. and learned Member for Edinburgh South West (Joanna Cherry) put that point to David Anderson on the very first day of our Committee? He said:

“It is difficult, of course, to read across from section 215 in the US to what we have here, which is rather different...I cannot speak for the US...different power, different circumstances”.—[*Official Report, Investigatory Powers Public Bill Committee*, 24 March 2016; c. 8, Q7.]

Mr Hayes: My hon. and learned Friend, with an assiduity that is matched by her intellect, has identified the fundamental flaw in the argument of our critics, which is that those who have looked at these matters most carefully have concluded both that these powers are necessary and that the safeguards we are introducing in this Bill—and by the way, these powers have existed for a long time; this is the first chance we have had to debate the legislative safeguards—are not only numerous but rigorous, in the way she has described. That was precisely the point that David Anderson made.

However, the hon. and learned Member for Holborn and St Pancras, in Committee and since, has said we need to do more. There are two ways for Governments to handle Oppositions, just as there are two ways for Oppositions to handle Governments: we can either do it antagonistically or we can do it co-operatively. The way I go about my work is inspired perhaps by Samuel Johnson—the great Dr Johnson, the man who said, by the way, that the devil was the first Whig, and I agree with him on that. Samuel Johnson said:

“Life cannot subsist in society but by reciprocal concessions.” This Bill has been a model of that kind of reciprocal approach. And by the way, these concessions have not been climbdowns. They have not been given reluctantly,

they have not been turnarounds and they have not been in any sense wrung out of the Government. Nevertheless, they have been given on the basis of the proper pressure exerted by the hon. and learned Member for Holborn and St Pancras and other hon. Members for the Government to do more. Good government is about listening and learning, as I said yesterday, and that is precisely what we have done in respect of this review. I look forward to it and I anticipate its outcome with the same kind of interest that I know the hon. and learned Gentleman and others share.

Keir Starmer: I am grateful to the Minister, and I feel that I should put on record my gratitude to him for the way in which he has dealt with the demands that I have made on behalf of the Labour party. They have been considerable demands.

Mr Hayes: I thank the hon. and learned Gentleman for his support. I know that the Government Whips will take careful note of it. [*Laughter.*]

We have listened to the call for independent validation. David Anderson QC will undertake the review, so I will say no more about that.

We have debated at some length, today and previously, the amendments tabled by the Chairman of the Intelligence and Security Committee, my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), which contain a number of proposals. I am grateful for his contribution to the debate, generally and, more specifically, today. I am pleased that my right hon. and learned Friend has explained the purposes behind new clause 3 and amendment 24. The Government certainly accept in principle the argument that we should provide further restrictions on the use of class bulk personal dataset warrants. We also accept much of the detail contained in the ISC’s draft clause, including reference to the need for restrictions relating to sensitive personal data.

I have dealt with the issue about which—as my right hon. and learned Friend knows—we are least happy, namely the timescale within which these matters are reported to the ISC. I think that more could be done, and I think that a protocol of the kind that my right hon. and learned Friend described in his brief contribution might provide a way of doing it. We will take that suggestion away and do further work, in the spirit to which he referred.

My hon. Friend the Member for Stevenage (Stephen McPartland), who is no longer present but who is an old friend of mine, raised issues relating to modifications. I want to make it absolutely clear that in all modifications, a warrant will require the same double lock. Yesterday and in Committee, the hon. and learned Member for Holborn and St Pancras argued that a double lock that applies when a warrant is originally sought must apply to modifications. I entirely accept that point. My hon. Friend made it again today, and I can assure him that the double lock will apply to bulk powers as well.

The hon. and learned Member for Holborn and St Pancras raised the issue of medical records. It is right for particularly sensitive data to be handled in a particularly sensitive way, and I am pleased that he noted the Government amendment which, I think, deals with that. We will consider the technical points that he raised about social care and mental health, but I am confident that we can find a way forward.

I do not want to delay the House unduly—as you know, Madam Deputy Speaker, that is not my habit, and we have other important matters to consider—but I do want to say that one of my regrets is that we have not had more Proust today, or during our consideration of the Bill more generally. Marcel Proust said:

“The only real voyage of discovery consists not in seeking new landscapes, but in having new eyes”.

The consideration of this Bill has been extensive. Three reports before its publication in draft, three parliamentary Committees once the draft Bill was published, and a very thorough examination in Committee following Second Reading have allowed us to have “new eyes”, and to see more clearly both the need to secure our people and counter the very real threats that we face, and the need to deal with the checks and balances which ensure that the powers we give those who are missioned to keep us safe are used proportionately, and only where necessary. Achieving that balance—a balance that lies at the heart of the Bill—has required the House to take a balanced approach. As I said a few moments ago, Parliament is at its best when it puts national interest beyond party interest, and this is common ground for the common good.

Anne McLaughlin: I have to say that the Minister’s tone does not really reflect that which some of his hon. Friends used when addressing this debate. I have felt completely patronised at times today, because people on the Government Benches have been shouting, “You don’t understand this Bill.” Just because we take a different view or come at things from a different angle does not mean that we do not understand. The right hon. Member for Rutland and Melton (Sir Alan Duncan) shakes his head, but it was offensive to have to listen to that nonsense, particularly when it was directed at my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry), who is a learned QC and certainly does know what she is talking about.

Sir Alan Duncan (Rutland and Melton) (Con): Will the hon. Lady give way?

Anne McLaughlin: No, I will not take any interventions—[*Interruption.*] Okay, patronise away.

Sir Alan Duncan: May I just say—[*Interruption.*]

Madam Deputy Speaker (Mrs Eleanor Laing): Order. We will listen to Sir Alan Duncan.

Sir Alan Duncan: May I just say to the hon. Lady and her hon. Friends that there was no intention whatsoever to be patronising? If she wants to take it in that vein, may I apologise and do so graciously? Our view is simply that bulk interception and bulk powers involve a poor use of the word “bulk”. The intrusion on the individual compared with the collective gathering of information is misunderstood in many cases. That is our point, and I hope that she can accept it in that spirit.

Anne McLaughlin: I most certainly will accept the right hon. Gentleman’s apology, but I reiterate that just because we come at this from a different angle does not mean that we are wrong. These are our opinions, and Government Members have their opinions.

I also want to mention the hon. Member for North Dorset (Simon Hoare), who was utterly offensive in his suggestion that we in the SNP quarter—[*Interruption.*] And the Lib Dem quarter, and everybody else on this side. The hon. Gentleman suggested that we do not care about terrorism or about people affected by paedophilia. Of course we care! He suggests that we do not just because we do not believe that this is the way to go about tackling those things, but we are not the only ones who believe that. It was really, truly offensive and below the belt, and I think the hon. Gentleman should apologise. I will accept it in writing if he is not going to do it here.

Simon Hoare: You’ll have a long wait.

Anne McLaughlin: I’ll wait a long time, will I? Okay.

To sum up, we will be pressing the amendment because we have heard nothing today that reassures us. The legislative process in the House of Commons is coming to an end, but how can we be expected to vote when there is to be a review? On that note, I appeal to dear and learned friends in the Labour party to think again about trusting this lot with the review, because not one Government Member—I know that the Labour party has not done this either—will say what they will do if the independent review shows that the bulk powers are unnecessary, as has been shown in the United States—[*Interruption.*] No, I gave the Minister an opportunity, but instead of answering the question, he took an intervention from the Government Benches. He has not said what the Government will do if the review shows what he is not expecting it to show.

Question put, That the amendment be made.

The House divided: Ayes 66, Noes 285.

Division No. 10]

[4.13 pm

AYES

Ahmed-Sheikh, Ms Tasmina	Hosie, Stewart
Arkless, Richard	Kerevan, George
Bardell, Hannah	Kerr, Calum
Black, Mhairi	Lamb, rh Norman
Blackman, Kirsty	Law, Chris
Boswell, Philip	Lucas, Caroline
Brake, rh Tom	MacNeil, Mr Angus Brendan
Brock, Deidre	Mc Nally, John
Brown, Alan	McCaig, Callum
Cameron, Dr Lisa	McDonald, Stewart Malcolm
Carmichael, rh Mr Alistair	McDonald, Stuart C.
Chapman, Douglas	McGarry, Natalie
Cherry, Joanna	McLaughlin, Anne
Clegg, rh Mr Nick	Monaghan, Carol
Cowan, Ronnie	Mulholland, Greg
Crawley, Angela	Mullin, Roger
Day, Martyn	Newlands, Gavin
Docherty-Hughes, Martin	Nicolson, John
Donaldson, Stuart Blair	O’Hara, Brendan
Durkan, Mark	Oswald, Kirsten
Edwards, Jonathan	Paterson, Steven
Farron, Tim	Pugh, John
Ferrier, Margaret	Ritchie, Ms Margaret
Gethins, Stephen	Robertson, rh Angus
Gibson, Patricia	Sheppard, Tommy
Grady, Patrick	Skinner, Mr Dennis
Grant, Peter	Stephens, Chris
Gray, Neil	Thewliss, Alison
Hendry, Drew	Thomson, Michelle
	Weir, Mike

Whiteford, Dr Eilidh
Whitford, Dr Philippa
Williams, Hywel
Williams, Mr Mark
Wilson, Corri

Winnick, Mr David
Wishart, Pete

Tellers for the Ayes:
Owen Thompson and
Marion Fellows

NOES

Adams, Nigel
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Amess, Sir David
Andrew, Stuart
Ansell, Caroline
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Baker, Mr Steve
Barclay, Stephen
Baron, Mr John
Barwell, Gavin
Bebb, Guto
Bellingham, Sir Henry
Benyon, Richard
Beresford, Sir Paul
Berry, Jake
Berry, James
Bingham, Andrew
Blackman, Bob
Blunt, Crispin
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
Campbell, Mr Gregory
Carmichael, Neil
Cartledge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clarke, rh Mr Kenneth
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Colvile, Oliver
Costa, Alberto
Cox, Mr Geoffrey
Crabb, rh Stephen
Davies, Chris
Davies, David T. C.
Davies, Mims
Djanogly, Mr Jonathan
Dodds, rh Mr Nigel
Donelan, Michelle
Dowden, Oliver
Doyle-Price, Jackie

Drax, Richard
Drummond, Mrs Flick
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Elliott, Tom
Ellis, Michael
Ellison, Jane
Elphicke, Charlie
Eustice, George
Evans, Graham
Evans, Mr Nigel
Evennett, rh Mr David
Fabricant, Michael
Fallon, rh Michael
Fernandes, Suella
Field, rh Mark
Foster, Kevin
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fuller, Richard
Fysh, Marcus
Gale, Sir Roger
Garnier, rh Sir Edward
Gauke, Mr David
Ghani, Nusrat
Gibb, Mr Nick
Glen, John
Goldsmith, Zac
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, Mr James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Grieve, rh Mr Dominic
Griffiths, Andrew
Gummer, Ben
Gyimah, Mr Sam
Halfon, rh Robert
Hall, Luke
Hammond, Stephen
Hancock, rh Matthew
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Haselhurst, rh Sir Alan
Hayes, rh Mr John
Heald, Sir Oliver
Heapey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Hinds, Damian
Hoare, Simon
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Mr Adam
Hopkins, Kris
Howarth, Sir Gerald

Howell, John
Howlett, Ben
Huddleston, Nigel
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jackson, Mr Stewart
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenkyns, Andrea
Jenrick, Robert
Johnson, Boris
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, Mr Marcus
Kawczynski, Daniel
Kennedy, Seema
Kinahan, Danny
Kirby, Simon
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lancaster, Mark
Latham, Pauline
Lee, Dr Phillip
Leslie, Charlotte
Letwin, rh Mr Oliver
Lewis, Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Lidington, rh Mr David
Lopresti, Jack
Lord, Jonathan
Loughton, Tim
Lumley, Karen
Mackinlay, Craig
Mackintosh, David
Main, Mrs Anne
Mak, Mr Alan
Malthouse, Kit
Mann, Scott
Mathias, Dr Tania
May, rh Mrs Theresa
Maynard, Paul
McCartney, Jason
McCartney, Karl
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
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mowat, David
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Nokes, Caroline
Nuttall, Mr David
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian

Pawsey, Mark
Penning, rh Mike
Penrose, John
Percy, Andrew
Perry, Claire
Phillips, Stephen
Philp, Chris
Pincher, Christopher
Poulter, Dr Daniel
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, Mr Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Rosindell, Andrew
Rutley, David
Sandbach, Antoinette
Scully, Paul
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simpson, David
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Chloe
Smith, Henry
Smith, Julian
Smith, Royston
Soames, rh Sir Nicholas
Solloway, Amanda
Soubry, rh Anna
Spelman, rh Mrs Caroline
Spencer, Mark
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Stride, Mel
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, rh Mr Desmond
Swire, rh Mr Hugo
Syms, Mr Robert
Thomas, Derek
Throup, Maggie
Timpson, Edward
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Turner, Mr Andrew
Vera, Mr Shailesh
Vickers, Martin
Villiers, rh Mrs Theresa
Walker, Mr Robin
Wallace, Mr Ben
Warburton, David
Warman, Matt
Whatley, Helen

Wheeler, Heather
White, Chris
Whittaker, Craig
Whittingdale, Mr John
Wiggin, Bill
Williams, Craig
Williamson, Mr Gavin
Wilson, Sammy

Wollaston, Dr Sarah
Wood, Mike
Wragg, William
Wright, Mr Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Sarah Newton and
George Hollingbery

Question accordingly negatived.

4.25 pm

More than three hours having elapsed since the commencement of proceedings on consideration, the proceedings were interrupted (Programme Order, 6 June).

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 121

POWER TO ISSUE BULK INTERCEPTION WARRANTS

Amendment made: 42, page 98, line 13, leave out subsection (5).—(*Mr John Hayes.*)

This amendment is consequential on new clause 5.

Clause 138

POWER TO ISSUE BULK ACQUISITION WARRANTS

Amendment made: 43, page 110, line 5, leave out subsection (4).—(*Mr John Hayes.*)

This amendment is consequential on new clause 5.

Clause 148

SERVICE OF WARRANTS OUTSIDE THE UNITED KINGDOM

Amendments made: 44, page 116, line 9, leave out “on a person outside the United Kingdom”.

This amendment is consequential on amendment 45.

Amendment 45, page 116, line 9, at end insert—

“() A copy of the warrant must be served in such a way as to bring the contents of the warrant to the attention of the person who the implementing authority considers may be able to provide assistance in relation to it.”

The amendment makes it clear that, where a person is required under clause 147 to provide assistance in relation to a warrant, a copy of the warrant must be served in such a way that the person is aware of the contents of the warrant and so can provide that assistance.

Amendment 46, page 116, line 10, leave out “the person” and insert “a person outside the United Kingdom”.

This amendment is consequential on amendment 45.

Amendment 47, page 116, line 23, after “person” insert “outside the United Kingdom”.—(*Mr John Hayes.*)

This amendment is consequential on amendment 45.

Clause 156

POWER TO ISSUE BULK EQUIPMENT INTERFERENCE WARRANTS

Amendment made: 48, page 122, line 42, leave out subsection (4). —(*Mr John Hayes.*)

This amendment is consequential on new clause 5.

Clause 164

MODIFICATION OF WARRANTS

Amendments made: 127, page 127, line 16, after “modification”, insert

“adding or varying any operational purpose”.

This amendment restricts the application of clause 164(4) to cases where a major modification of a bulk equipment interference warrant adds or varies an operational purpose. It is consequential on amendment 128.

Amendment 128, page 127, line 20, at end insert—

“() A major modification adding or varying any description of conduct—

(a) must be made by the Secretary of State, and

(b) may be made only if the Secretary of State considers—

(i) that the modification is necessary on any of the grounds on which the Secretary of State considers the warrant to be necessary (see section 156(1)(b)), and

(ii) that the conduct authorised by the modification is proportionate to what is sought to be achieved by that conduct.”—(*Mr John Hayes.*)

This amendment provides for both a necessity test and a proportionality test to apply in relation to a decision whether to make a major modification of a bulk equipment interference warrant by adding or varying a description of conduct.

Clause 170

SAFEGUARDS RELATING TO EXAMINATION OF MATERIAL ETC.

Amendment made: 129, page 133, line 25, leave out “section” and insert “Part”.—(*Mr John Hayes.*)

This amendment is consequential on amendment 130.

Clause 173

CHAPTER 3: INTERPRETATION

Amendment made: 130, page 134, line 32, at end insert—

““protected material”, in relation to a bulk equipment interference warrant, has the meaning given by section 170(9);”.—(*Mr John Hayes.*)

This amendment provides for the definition of “protected material” given by clause 170 to apply for the purposes of the Part.

New Clause 14

HEALTH RECORDS

“(1) Subsections (2) and (3) apply if—

(a) an application is made by or on behalf of the head of an intelligence service for the issue of a specific BPD warrant,

(b) the purpose, or one of the purposes of the warrant, is to authorise the retention, or the retention and examination, of health records.

(2) The application must contain a statement that the purpose, or one of the purposes, of the warrant is to authorise the retention, or the retention and examination, of health records.

(3) The Secretary of State may issue the warrant only if the Secretary of State considers that there are exceptional and compelling circumstances that make it necessary to authorise the retention, or the retention and examination, of health records.

(4) Subsection (5) applies if—

(a) an application is made by or on behalf of the head of an intelligence service for a specific BPD warrant,

(b) the head of the intelligence service considers that the bulk personal dataset includes, or is likely to include, health records, and

(c) subsections (2) and (3) do not apply.

- (5) The application must contain either—
- a statement that the head of the intelligence service considers that the bulk personal dataset includes health records, or
 - a statement that the head of the intelligence service considers that it is likely that the bulk personal dataset includes health records and an assessment of how likely this is.
- (6) In this section, “health record” means a record, or a copy of a record, which—
- consists of information relating to the physical or mental health or condition of an individual,
 - was made by or on behalf of a health professional in connection with the care of that individual, and
 - was obtained by the intelligence service from a health professional or a health service body or from a person acting on behalf of a health professional or a health service body in relation to the record or the copy.
- (7) In subsection (6)—
- “health professional” has the same meaning as in the Data Protection Act 1998 (see section 69 of that Act);
- “health service body” has the meaning given by section 69(3) of that Act.”—(*Mr John Hayes.*)

This amendment requires an intelligence service to take special steps when making an application for a specific BPD warrant relating to health records. In addition, where the purpose, or one of the purposes, of the warrant would be to authorise the retention, or the retention and examination, of health records, the Secretary of State may issue the warrant only if he or she considers that there are exceptional and compelling circumstances.

Brought up, and added to the Bill.

New Clause 18

PERSONS WHO MAY APPLY FOR ISSUE OF WARRANT—

“Each of the following organisations may appoint a designated senior officer responsible for applying for a communications data retention warrant—

- a police force maintained under section 2 of the Police Act 1996,
- the Metropolitan Police Force,
- the City of London Police Force,
- the Police Service of Scotland,
- the Police Service of Northern Ireland,
- the British Transport Police Force,
- the Ministry of Defence Police,
- the Royal Navy Police,
- the Royal Military Police,
- the Royal Air Force Police,
- the Security Service,
- the Secret Intelligence Service,
- GCHQ, and
- the National Crime Agency.”—(*Stephen McPartland.*)

This new Clause will restrict access to communications data to the Intelligence Agencies and law enforcement only.

Brought up, and read the First time.

Stephen McPartland: 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 19—*Local authority authorisations: notification of chief executive—*

“Where, on an application under sections 66 to 69, the relevant judicial authority approves an authorisation (including a Judicial Commissioner approval by order under section 68), the designated

senior officer must notify the chief executive of the local authority, or subscribing authority, of that approval, or those approvals as the case may be, prior to that authorisation taking effect.”

Amendment 320, in clause 53, page 42, leave out lines 14 and 15 and insert

“Subsection (2) applies if a designated senior officer of a relevant public authority considers—

- that a Judicial Commissioner may, on an application made by a designated senior officer at a relevant public authority, issue a communications data access authorisation where the Judicial Commissioner considers—”.

See amendment 327.

Amendment 321, page 42, line 21, leave out paragraph (b)(ii).

See amendment 327.

Amendment 322, page 42, line 26, leave out

“The designated senior officer may authorise any officer of the authority to” and insert

“A communications data access authorisation may authorise the designated senior officer or a telecommunications operator to”.

See amendment 327.

Amendment 323, page 42, line 39, leave out “authorised officer” and insert “designated senior officer”.

See amendment 327.

Amendment 286, page 43, line 39, after “detecting”, insert “serious”.

This amendment inserts a higher threshold for accessing communications data.

Amendment 287, page 43, line 39, after second “preventing”, insert “serious”.

This amendment inserts a higher threshold for accessing communications data.

Amendment 324, page 43, line 41, leave out paragraphs (c) to (e).

See amendment 327.

Amendment 288, page 44, line 1, after first “or”, insert “serious”.

This amendment inserts a higher threshold for accessing communications data.

Amendment 289, page 44, line 1, after “any”, insert “serious”.

This amendment inserts a higher threshold for accessing communications data.

Amendment 290, page 44, line 2, after “any”, insert “serious”.

This amendment inserts a higher threshold for accessing communications data.

Amendment 291, page 44, line 2, after third “or”, insert “serious”.

This amendment inserts a higher threshold for accessing communications data.

Amendment 325, page 44, line 13, at end insert—

“(7A) An authorisation may be considered necessary as mentioned in subsection (7)(b) or (7)(f) only where there is a reasonable suspicion that a serious criminal offence has been or is likely to be committed.”

See amendment 327.

Amendment 292, page 44, line 18, at end insert—

“(9) Serious crime in subsection (7)(b) above means—

- any crime where a person guilty of the offence is liable on conviction to imprisonment for a term of imprisonment of [a maximum of] 6 months or more; or

- (b) a crime which causes serious damage to a person's physical or mental health."

This amendment defines the higher threshold, inserted by other amendments to Clause 53, for accessing communications data.

Amendment 326, in clause 54, page 44, line 19, leave out clause 54.

See amendment 327.

Amendment 13, page 44, line 28, leave out subsection (3)(b) and insert—

- "(b) the investigation or operation concerned is one where there is an exceptional need, in the interests of national security, to keep knowledge of it to an absolute minimum,
- (ba) there is an opportunity to obtain information where—
- (i) the opportunity is rare,
- (ii) the time to act is short, and
- (iii) the need to obtain the information is significant and in the interests of national security, or".

On behalf of the Intelligence and Security Committee of Parliament, to amend the Bill to ensure that the exceptional national security-related circumstances under which there does not need to be a separation between those requesting and those authorising requests for communications data, is narrowly drawn.

Amendment 293, page 45, line 13, at end insert—

"(7) For the avoidance of doubt, an internet connection record does not include the content of any communication."

An amendment to clarify the description of internet connection records.

Amendment 327, in clause 55, page 45, line 16, leave out paragraph (a).

Amendment 4, page 46, line 40, leave out clause 58.

These amendments provide that in order to access communications data, a relevant public authority must seek a warrant from a Judicial Commissioner rather than undertake a system of internal authorisation. These amendments would require that there is reasonable suspicion of serious crime for a warrant authorising communications data acquisition.

Amendment 164, in clause 58, page 46, line 41, leave out "maintain".

See amendment 163.

Amendment 165, page 46, line 41, leave out "operate".

See amendment 163.

Amendment 166, page 47, line 1, after "officer" insert "in exceptional circumstances".

This amendment restricts the use of the filter to exceptional circumstances. This will ensure that the use of the filter does not become routine practice or the default mechanism for obtaining communications data.

Amendment 161, page 47, line 7, leave out "arrangements" and insert "regulations".

See amendment 163.

Amendment 167, page 47, line 18, at end insert—

- "(c) obtaining the approval of a Judicial Commissioner to the filtering regulations in the same way as if the data was to be obtained by a targeted interception warrant as set out in this Act."

This amendment requires use of the filtering arrangements to obtain data to be approved by a Judicial Commissioner. Filtering requires higher authorisation standard, as it has much greater powers to detect across many datasets and with high efficiency, being more akin to bulk acquisition than to individual requests for data.

Amendment 168, page 47, line 19, leave out subsection 3.

This amendment stops the user of the filter for general purposes - such as support, maintenance, oversight, operation or administration of the arrangements - not directly related to the core investigative

functions of public bodies. It also removes the use of the filter to support the general oversight functions of the Investigatory Powers Commission.

Amendment 162, page 47, line 19, leave out "arrangements" and insert "regulations".

See amendment 163.

Amendment 163, page 47, line 27, leave out "arrangements" and insert "regulations".

These amendments would make the filtering arrangements to be governed by a statutory instrument subject to all normal transparency and processes of judicial review.

Amendment 169, page 47, line 32, leave out "must consult" and insert

"shall obtain the prior approval of".

This amendment creates a duty to obtain prior approval from the Commissioner for the filtering system. By asking the Commissioner for prior approval of any plans, the assessment of necessity and proportionality would be much more likely to be robust. Any abuse and expansion of scope and abilities of data mining would be more likely to be restrained. The Commissioner would also have the ability to ensure that requirements they might seek are properly considered at the start.

Amendment 170, page 47, line 35, at end insert—

"(5A) Nothing in this section shall be used in respect of information which can be reasonably obtained by any other means under this Act.

(5B) Nothing in this section shall be used for the bulk collection of information.

(5C) The powers under this section shall only be used by the Secretary of State when no other power under this Act or other statute can achieve the same objective."

This amendment restricts the use of the filter to those purposes the government has put forward. Given the lack of clarity on what the filtering arrangements are and whether they will become the normal way to acquire communications data of any type, this amendment seeks to restrain the power so that it is used as narrowly as possible.

Amendment 171, page 47, line 35, at end insert—

"(5A) The Secretary of State shall at least once a year make a report to Parliament detailing the filtering arrangements made under this clause."

This amendment would require the Secretary of State to make an annual report to Parliament explaining what the filtering arrangements consisted of and were being used for. This would improve public scrutiny and reinforce the provision in clause 58(4).

Amendment 5, page 47, line 36, leave out clause 59.

Amendment 6, page 48, line 16, leave out clause 60.

Amendment 172, in clause 60, page 49, line 29, at end insert—

"(10) All filtering arrangements under this Act shall not endure more than six months.

(11) The Secretary of State shall not use any power under Part 3 of this Act unless such power cannot be exercised under any other statutory provision.

(12) The Secretary of State shall ensure that the filtering arrangements are always used exceptionally and with regard to privacy rights.

(13) The Secretary of State shall from time to time consider the proportionality and necessity of all filtering arrangements in place.

(14) The Secretary of State shall terminate any filtering arrangements which are not proportionate or necessary."

This amendment requires filtering arrangements to be renewed every six months; makes them a power of last resort; requires assessment of necessity and proportionality; requires termination of arrangements which are not truly needed.

Government amendments 49 and 50.

Amendment 143, in clause 68, page 54, line 14, leave out “not”.

Amendment 144, page 54, line 15, at end insert

“unless an application without such notice is required in order to avoid prejudice to the investigation.”

Amendment 145, page 54, line 15, at end insert—

“() Schedule 1 to the Police and Criminal Evidence Act 1984 shall apply to an application for an order under this section as if it were an application for an order under that Schedule.”

This amendment seeks to ensure that the same level of protection is provided for journalists’ sources under the Bill as is currently provided in PACE.

Government amendments 51 and 52.

Amendment 300, in clause 73, page 58, line 33, at end insert—

“(4) In proceedings against any person for an offence under this section in respect of any disclosure, it is a defence for the person to show that the disclosure was in the public interest.”

An amendment to introduce a public interest defence for disclosures regarding the obtaining of communications data.

Amendment 207, page 205, line 6, leave out schedule 4.

New clause 26—*Retention of communications data*—

“An operator who has not been designated as the operator of an electronic communications network or service according to section 34 of the Communications Act 2003; or whose service has fewer than 50,000 subscribers, shall not be required to comply with a retention notice under Clause 78.”

The new clause excludes the providers of rural or community access communications services and small service providers from the obligation to collect and retain data, in accordance with policy statements made by the Home Office.

Amendment 328, in clause 78, page 61, line 5, leave out “Secretary of State” and insert “Judicial Commissioner”,

See amendment 350.

Amendment 329, page 61, line 5, after second ““notice”)” insert

“on an application made by a designated senior officer at a relevant public authority”.

See amendment 350.

Amendment 330, page 61, line 7, leave out “Secretary of State” and insert “Judicial Commissioner”.

See amendment 350.

Amendment 331, page 61, line 9, at end insert—

“(1A) A notice may be considered necessary only where there is a reasonable suspicion that a serious criminal offence has been or is likely to be committed in relation to the grounds falling within section 53(7).”

See amendment 350.

Amendment 332, page 61, line 38, leave out “Secretary of State” and insert “Judicial Commissioner”.

See amendment 350.

Amendment 3, page 62, line 22, leave out “therefore includes, in particular” and insert “does not include”.

Amendment 294, page 62, line 23, at end insert—

“(10) A retention notice must not require any data which is, or can only be obtained by processing, an internet connection record to be retained for any purpose other than the purpose specified in section 54(4).”

An amendment to restrict the retention of internet connection records.

Amendment 333, in clause 79, page 62, line 26, leave out “Secretary of State” and insert “Judicial Commissioner”.

See amendment 350.

Amendment 334, page 62, line 35, leave out “Secretary of State” and insert “Judicial Commissioner”.

See amendment 350.

Amendment 336, in clause 80, page 62, line 40, leave out “Secretary of State” and insert “Judicial Commissioner” on both occasions.

See amendment 350.

Amendment 337, page 63, line 7, leave out “Secretary of State” and insert “Judicial Commissioner”.

See amendment 350.

Amendment 338, page 63, line 8, leave out “Secretary of State” and insert “Judicial Commissioner”.

See amendment 350.

Amendment 339, page 63, line 9, leave out “Secretary of State” and insert “Judicial Commissioner”.

See amendment 350.

Amendment 340, page 63, line 10, leave out “Secretary of State” and insert “Judicial Commissioner”.

See amendment 350.

Amendment 341, page 63, line 19, leave out “Secretary of State” and insert “designated senior officer at a relevant public authority”.

See amendment 350.

Amendment 342, page 63, line 24, leave out “Secretary of State” and insert “designated senior officer at a relevant public authority”.

See amendment 350.

Amendment 343, page 63, line 25, leave out “Secretary of State” and insert “Judicial Commissioner”.

See amendment 350.

Amendment 470, page 63, line 31, leave out “Secretary of State” and insert “Judicial Commissioner”.

See amendment 350.

Amendment 471, page 63, line 33, leave out “Secretary of State” and insert “Judicial Commissioner”.

See amendment 350.

Amendment 344, in clause 83, page 64, line 13, leave out “Secretary of State” and insert “Judicial Commissioner”.

See amendment 350.

Amendment 345, page 64, line 14, leave out “Secretary of State” and insert “Judicial Commissioner”.

See amendment 350.

Amendment 346, page 64, line 15, leave out “Secretary of State” and insert “Judicial Commissioner”.

See amendment 350.

Amendment 347, page 64, line 23, leave out “Secretary of State” and insert “Judicial Commissioner”.

See amendment 350.

Amendment 348, page 64, line 38, leave out “Secretary of State” and insert “Judicial Commissioner”.

See amendment 350.

Amendment 350, page 64, line 40, leave out “Secretary of State” and insert “Judicial Commissioner”.

These amendments provide that judicial authorisation is required for retention of communications data. These amendments would require that there is reasonable suspicion of serious crime for a warrant authorising retention of communications data.

Amendment 301, in clause 84, page 65, line 26, at end insert—

“(4A) Subsections (2) and (3) do not apply to a disclosure made in the public interest.”

An amendment to introduce a public interest defence for disclosures regarding the retention of communications data.

New clause 15—*Review of operational case for bulk powers*—

“(1) The Secretary of State must appoint the independent reviewer of terrorism legislation to review the operational case for the bulk powers contained in Parts 6 and 7 of this Act.

(2) The independent reviewer must, in particular, consider the justification for the powers in the Act relating to—

- (a) bulk interception,
- (b) bulk acquisition,
- (c) bulk equipment interference, and
- (d) bulk personal datasets.

(3) The independent reviewer must, so far as reasonably practicable, complete the review before 30 November 2016.

(4) The independent reviewer must send to the Prime Minister a report on the outcome of the review as soon as reasonably practicable after completing the review.

(5) On receiving a report under subsection (4), the Prime Minister must lay a copy of it before Parliament together with a statement as to whether any matter has been excluded from that copy under subsection (6).

(6) If it appears to the Prime Minister that the publication of any matter in a report under subsection (4) would be contrary to the public interest or prejudicial to national security, the Prime Minister may exclude the matter from the copy of the report laid before Parliament.

(7) The Secretary of State may pay to the independent reviewer—

- (a) expenses incurred in carrying out the functions of the independent reviewer under this section, and
- (b) such allowances as the Secretary of State determines.

(8) The independent reviewer shall complete further reviews on a five-yearly basis and the provisions of this section other than subsection (3) shall apply.

(9) In this section ‘the independent reviewer of terrorism legislation’ means the person appointed under section 36(1) of the Terrorism Act 2006 (and ‘independent reviewer’ is to be read accordingly).”

This amendment provides for an independent review of the operational case for the bulk powers in the Bill, and further periodic reviews, to be undertaken by the independent reviewer of terrorism legislation.

New clause 17—*Review of the Operation of this Act*—

“(1) The Secretary of State shall appoint an Independent Reviewer to prepare the first report on the operation of this Act within a period of 6 months beginning with the end of the initial period.

(2) In subsection (1) ‘the initial period’ is the period of 1 years and 6 months beginning with the day on which this Act is passed.

(3) Subsequent reports will be prepared every 2 years after the first report in subsection (1).

(4) A copy of the report is to be laid before Parliament, with provision made for a debate on the floor of both Houses and then approved by resolution of each House.”

Because the Bill deals with National Security and changing technological capabilities, it should be subject to greater scrutiny by both Houses. This amendment will call for an Independent Review to take place and be approved by Parliament within 2 years of the Bill becoming law and then every two years.

New clause 22—*Primacy of judicial commissioner’s approval*—

“No authorisation sought for a warrant to intercept or obtain or examine primary or secondary communications data, whether targeted or in bulk, under this Act may be considered by a Minister unless it has first been approved by a Judicial Commissioner.”

New clause 25—*Review of the Operation of this Act*—

“(1) The Secretary of State shall appoint an Independent Reviewer to prepare the first report on the operation of this Act within a period of 6 months beginning with the end of the initial period.

(2) In subsection (1) ‘the initial period’ is the period of 4 years and 6 months beginning with the passage of this Act.

(3) Subsequent reports will be prepared every 5 years after the first report in subsection (1).

(4) Any report prepared by the Independent Reviewer must be laid before Parliament by the Secretary of State as soon as the Secretary of State is satisfied it will not prejudice any criminal proceedings.

(5) The Secretary of State may, out of money provided by Parliament, pay a person appointed under subsection (1), both his expenses and also such allowances as the Secretary of State determines.”

This new clause provides that the review of the operation of the Act shall be carried out by an Independent Reviewer.

New clause 27—*Protection for journalistic sources, materials and activities*—

“(1) Save in the exceptional circumstances identified in subsection (2), the regimes provided for by Parts 2 to 7 may not be used to access, obtain, record, hold, consider, analyse, disclose or otherwise deal with information, material or data—

- (a) of, or concerning the activities of, journalists, or
- (b) if the purpose of so doing is to obtain information identifying a journalistic source.

(2) The exceptional circumstances referred to in subsection (1) are—

- (a) the case is one of great emergency,
- (b) immediate action is necessary, and
- (c) the relevant investigatory powers under the regimes provided by Parts 2 to 7 can be used lawfully having regard to the provisions thereof.

(3) In any case where the regimes provided for by Parts 2 to 7 are disapplied by subsection (1), any person who could otherwise have sought to use one of the investigatory powers specified therein may apply to a judge for an order allowing that person to access, obtain, record, hold, consider, analyse, disclose or otherwise deal with such information, material or data in a way provided for by Parts 2 to 7.

(4) An application for an order under subsection (3) shall be made on notice to the journalist or journalists affected unless the judge determines that an application without such notice is required in order to avoid prejudice to the investigation.

(5) Paragraphs 7 to 9 of Schedule 1 to the Police and Criminal Evidence Act 1984 shall apply in relation to the service of a notice of application for an order under subsection (1) as if the application were for an order under Schedule 1 of the Police and Criminal Evidence Act 1984.

(6) Criminal Procedure Rules may make provision about proceedings under this section where the judge determines that an application without such notice is required.

(7) A judge may only make an order under subsection (3) if the person making the application has convincingly established that—

- (a) the order is directed to one or more of the legitimate aims specified in Article 10.2 of the Convention,
- (b) there is an overriding public interest necessitating the order,

- (c) reasonable alternative measures to the order do not exist or have been exhausted, and
- (d) the order is proportionate to the legitimate aim or aims being pursued.

(8) The costs of any application under subsection (3) and of anything done or to be done in pursuance of an order as a result of the application shall be in the discretion of the judge.

(9) In this section—

- (a) ‘source’ means any person who provides information to a journalist;
- (b) ‘information identifying a source’ includes—
 - (i) the name and personal data as well as voice and image of a source;
 - (ii) the factual circumstances of acquiring information from a source by a journalist;
 - (iii) the unpublished content of the information provided by a source to a journalist; and
 - (iv) personal data of journalists and their employers related to their professional work;

in so far as this is likely to lead to the identification of a source.

- (c) ‘the Convention’ means the European Convention for the Protection of Human Rights and Fundamental Freedoms; and
- (d) ‘judge’ means a circuit judge or judge of the High Court.”

Amendment 206, page 172, line 24, leave out clause 222.

See new clause 17.

Amendment 494, in clause 223, page 173, line 18, leave out paragraph (i) and insert—

- “(i) is about an entity to which a telecommunications service is provided by that telecommunications operator and relates to the provision of that service.”.

This amendment clarifies that the definition of communications data should apply to the providers of the relevant telecommunication services, rather than allowing an organisation to be required to provide data about services it does not provide.

Amendment 496, in clause 225, page 177, line 27, at end insert—

- “‘national security’” means the protection of the existence of the nation and its territorial integrity, or political independence against force or threat of force”.

This amendment would provide for a definition of national security under “General definitions”, to apply throughout the Bill.

Amendment 495, page 177, line 36, at end insert—

- “‘professional legal adviser’ means a person who is—
- (a) an Advocate
 - (b) a Barrister
 - (c) a Solicitor.”

This amendment provides a definition of a “professional legal Adviser” which is important for clarification in relation to Clauses 25, 100, 135 and 171.

Stephen McPartland: I speak in support of all the amendments that I have tabled in this group. First, new clause 18 and amendment 207 are designed to try to restrict the powers in the Bill to the intelligence agencies and law enforcement only. Schedule 4 currently includes the Food Standards Agency and the Gambling Commission, and I am not clear what evidence there is for including those organisations and granting them access to such intrusive powers when other organisations will not have that access.

The Bill gives incredibly wide-ranging powers and there is clear nervousness about that on both sides of the House. I completely respect the integrity of the

security services and the police, but a lot of the fear seems to stem from the behaviour of some local authorities in the past and how they have used anti-terrorism powers to spy on people to see whether or not they have been recycling correctly and so on. As a result, those local authorities are not included in the Bill.

Let me give an example from Hertfordshire. The child protection unit of Hertfordshire County Council does not have access to communications data or the powers in the Bill in order to catch paedophiles, but the Gambling Commission and the Food Standards Agency would do so. I am unclear why a body that we would want to have access to such powers so that it can catch paedophiles and break up rings around the world cannot have access, when organisations such as the Gambling Commission or Food Standards Agency can have access.

I want to understand that difference. In the oral evidence sessions, when Ministers were questioning witnesses and when witnesses were providing evidence, there was a lot of talk about intelligence agencies, paedophilia and the problems in that regard. Ministers made it clear that a range of organisations had made robust cases to be included. The amendments are intended to tease out of Ministers why those cases were accepted when others were not. Frankly, I would much rather that Hertfordshire County Council’s child protection unit had access to some of the powers in the Bill than the Food Standards Agency, the Gambling Commission or some other organisation. The purpose of my amendment is to try to identify why we are where we are at the moment.

The Solicitor General (Robert Buckland): My hon. Friend and I have indeed spoken about these matters in some detail. I recognise his abiding concern and that of others with regard to this issue, which is why I will commit to publishing a detailed case for the minor public authorities ahead of these provisions being further considered in the other place. I hope that gives him some reassurance about the points that he has consistently raised.

Stephen McPartland: I am grateful to the Solicitor General. That is evidence of the work of the two Ministers over the past 12 months in negotiations with me and Opposition Members throughout to try to make the Bill workable for all of us. As I said, all my amendments are probing amendments and none are designed to be pressed to a vote. Their purpose is to gain information. I accept the Solicitor General’s undertaking and thank him.

4.30 pm

Amendments 161 to 172 deal with the filtering arrangements in the Bill. The Home Office describes the request filter as a safeguard designed to reduce the collateral intrusion produced in searching for small, specific pieces of information in a large dataset. However, its very nature means that the request filter allows huge automated searches of very large datasets, which is a highly intrusive search facility. The Bill at present contains no restrictions, so any organisation listed in schedule 4, such as the Food Standards Agency and the Gambling Commission, will have access to the request filter. My amendments try to restrict the use of the filter to

exceptional circumstances, placing it under the control of the judicial commissioner, like other bulk powers, and providing greater scrutiny of how it is used and by which organisations.

The fact that we have almost no information on who will be in charge of building the request filter, other than that it will be operated by a third party on behalf of the Secretary of State, fills me with great fear. It makes me question whether the request filter will ever exist in reality, because Governments of all colours throughout the ages have been rubbish at commissioning and running large IT projects and delivering them on time, on budget and in working order.

The request filter means that some third party organisation builds a system and collects data from the communications service providers. It then analyses the data inside that system and passes that analysis over to the police. The police are not given direct access to the information, which I think the Minister has referred to as a safeguard, but I wonder why the police are not allowed access to the information, whereas a third party organisation is allowed. We do not know who those third parties are. The whole filtering process needs to be looked into and restrictions placed on it if it is not removed from the Bill completely, because we do not know enough about the mechanics of the system—who is going to build it or pay for it, how it is to be operated and what safeguards will be in place? For me, that is a huge problem.

The last group of amendments in my name arises from the fact that the Bill deals with national security and changing technological capabilities, so it should be subject to greater scrutiny by both Houses. New clause 17 and amendment 206 call for an independent review to take place within a couple years. I know that there have been numerous calls in the House for procedures to take place every 12 months or every two or three years, but under changing technological circumstances there are technologically minded people in the House and outside who can already get round some of the provisions of the Bill. We are legislating only to catch up in some areas.

In other respects it will be difficult for the Bill to be made to work. On internet protocol 4 there is no possibility of identifying an individual IP address. For someone who is driving round the M25 and using a mobile phone, the IP address is the individual telecommunications towers as they move around the M25, so it would be impossible to identify what they were doing as long as they stayed mobile. Internet protocol 6, however, provides an IP address for each individual device. Internet protocol 6 is a long way off, so it seems to me that some of the provisions will not work technically. It is already possible to get around them. They are based on advances that may occur in 10 or 15 years' time, but the technology will have moved forward so quickly that the provisions probably will not catch up then anyway.

There are a number of Tor browsers, as they are called, which allow an IP address to be masked. People can download a simple app on their iPhone or other device which, when they access the internet, will show their IP address as based in Munich or somewhere else, not in the UK. It is very simple to get round such details.

Finally, I understand the effort that Ministers have made to work with the Opposition and concerned Members in all parts of the House to try to ensure that the Bill gets on to the statute book by December. I appreciate that there is a sunset clause and that we must do something—we cannot do nothing. It is horrible that we live in a society in which these situations are emerging. For me, these are probing amendments designed to highlight specific areas of concern that need further scrutiny. I hope that they may be of interest to Members of the House of Lords and that they will consider the issues I have spoken about regarding the filter. I hope that the Government will take the amendments in the spirit with which they are offered, which is as probing amendments; not to be pushed to a vote, but as the basis for more negotiation.

Andy Burnham (Leigh) (Lab): This final group of amendments covers three of the seven substantial concerns that I set out in a letter to the Home Secretary after Second Reading: first, protection of journalistic material and sources; secondly, the definition of internet connection records, and the threshold for their use; and thirdly, the independent review of the operational case for bulk powers. Let me take each in turn.

I will deal with journalistic material and the protection of sources briefly, as the matter was debated at length yesterday. Protecting the ability of whistleblowers in private or public sector organisations to speak to journalists without fear of identification is one of the important checks and balances on state and corporate power. Many journalists and the National Union of Journalists have real concerns that clause 68 weakens the existing protections in law for journalistic sources operated under the Police and Criminal Evidence Act 1984. They point to an incident in 2014 when police secretly accessed the mobile phone records and call data from a national newspaper, bypassing the PACE protections. Rightly, there are now worries that that has set a new precedent. Furthermore, they feel that the Bill might be about to enshrine that new precedent in law.

Under PACE, journalists are notified when the authorities want to access material and sources, so that they have the ability to challenge that in open court. The worry is that the Bill removes those protections. The National Union of Journalists makes the point that there is no real difference between physical notebooks and communications data held electronically; both could reveal the identity of a source. Labour shares those concerns; they were ably raised by my hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) in Committee, and they were also raised on Second Reading.

The Government have gone some way towards addressing our concerns, tabling amendments 51 and 52, which we welcome. The amendments will ensure that judicial commissioners, when considering a warrant, must give weight to the overriding public interest in a warrant being granted for the use of investigatory powers against journalists and that they must ensure that that is in keeping with wider and more general privacy points. That is a significant move. It takes points that would otherwise have been in codes underpinning the Bill and puts them on the face of the Bill.

Labour will accept these amendments, but we will do so while being clear that they do not go far enough. Indeed, they cover only the award of warrants, not

[*Andy Burnham*]

general access to communications data. We therefore support the amendments tabled by my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman) on behalf of the Joint Committee on Human Rights—amendments 143 to 145—which seek to extend the same level of protection to journalists as is currently the case under PACE.

We accept that this is a difficult area to get right, particularly when the definition of who is and who is not a journalist is changing in the digital world. We accept the difficulty facing Ministers. However, we think that the general principle, enshrined in PACE, of allowing journalists to challenge in open court any attempt to access material that could reveal sources is a good one. It would allow those public interest arguments to be heard and tested in court. We hope that the Government will today commit to working with us and the NUJ to find a wording that in the end does the job.

Mr John Hayes: The right hon. Gentleman has made his case in a measured way. He acknowledges that it is difficult to define journalists because the modern media include many bloggers who are part time, occasional and so forth. However, he is absolutely right that a solution needs to be found, and I am happy to say that we will look at this issue with him and others in greater detail as the Bill enjoys its passage through this House and the other place.

Andy Burnham: I am grateful for what the Minister has said. It must be possible to find a definition that excludes casual or voluntary bloggers from individuals who make their living from writing or who work for organisations regulated by the Independent Press Standards Organisation or other regulators.

Joanna Cherry: I and my hon. Friend the Member for Paisley and Renfrewshire North (Gavin Newlands) have added our names to the amendments tabled to clause 68 by the right hon. and learned Member for Camberwell and Peckham (Ms Harman), and we will give them our support if they are pushed to a vote. However, does the right hon. Gentleman agree that it is regrettable that the opportunity has been lost at this stage to have uniform protection across the face of the Bill for communications with journalists, lawyers and parliamentarians?

Andy Burnham: I made a similar point yesterday, when I said that it would have been helpful had we made more progress on these issues, and perhaps I can push the Minister on this, because I know he is meeting the Law Society and the Bar Council later this week.

The truth is that this raises quite complex issues. With all three professions, a slightly different set of issues arises, and we should not rush to legislate. We should move on the basis that we know what we are trying to achieve, which is to protect the ability of the public to go to an MP without fearing that there is any compromise on a private discussion. We want legal privilege—the privilege that belongs to the client—to be protected. We also want journalists to be able to protect their sources, as they want to do. If we work with the Government on that basis in good faith, I believe that we will be able to come to the right position.

Mr Alistair Carmichael: May I, through the right hon. Gentleman, tell the Minister that, when he says

he will speak to people in the House and others, those others really must include the National Union of Journalists?

Mr Hayes *indicated assent.*

The Solicitor General *indicated assent.*

Mr Carmichael: Those are the people who will be better qualified than anyone else to define what a journalist is, and they do have something of a pedigree—going back to 1936—in terms of the definitions.

Andy Burnham: The right hon. Gentleman makes an important point, which I saw was accepted on the Government Front Bench. He has tabled a detailed amendment on this issue, and he is right to do so and to press the Government on this. All of us have to apply our minds to getting these definitions right for all three professions. There is still an open question, as we discussed yesterday, about Members of Parliament and the right level of scrutiny for any warrant against them, but there is equally more work to do on other fronts.

We should not pass a Bill that weakens these professions—as I said yesterday, this is not about preserving the special status of the individuals who work in them, but about protecting the public and their ability to raise issues through those individuals.

Mr Hayes: I have committed to writing to the NUJ and the Society of Editors, which I have met already. I have been waiting to do so until today's debate so that my letter can be informed by it. However, I will happily write to them tomorrow, very much on the basis of taking these matters forward.

Andy Burnham: I very much appreciate what the Minister has said. I think that any colleague in any part of the House who has read the NUJ's briefing for today's debate will struggle to disagree with anything in it. If we want this Bill to leave Parliament with a high degree of consensus across society, it is right that these professional bodies feel, in the end, that the Bill is something they can support. That is a prize worth working for. Given his comments, I get the feeling that the Minister agrees.

4.45 pm

Let me turn to the area where I have the greatest anxiety, and on which I am looking for considerable comfort from the Government—internet connection records. The hon. Member for Stevenage (Stephen McPartland) made some strong points about the bodies that can access them, and I would certainly want to support him in his endeavours in that direction. I want to raise issues relating to the definition of internet connection records and the threshold for their use.

When the Home Secretary introduced her draft Bill in a statement to this House in November, she correctly said that ICRs would cover sites visited, not pages looked at, but then went on to say that the ICR

“is simply the modern equivalent of an itemised phone bill.”—[*Official Report*, 4 November 2015; Vol. 601, c. 970.]

In my view, that comparison is neither helpful nor accurate. If a person's itemised phone bill were to be leaked, it would not make a great deal of sense, and to most eyes it would simply be a jumble of numbers, but if an ICR were to be leaked, it would reveal a lot more

personal information that could potentially be used against people. ICRs therefore need a higher standard of protection than ordinary communications data.

I recognise that in a world where voice conversations over the phone are becoming less common, there is a need to move in this direction and allow the authorities to hold different forms of information. In order to deal with the changing nature of crime, police and security services need to have new tools at their disposal, and clearly the ICR is one such tool. It is also the case that information of this kind can prove vital in locating missing children in the crucial early hours of their disappearance. However, there is still a lack of clarity about what exactly can and cannot be included in an ICR, and a risk that if that is not clearly spelled out, there could be drift over the years—they could change and mutate, and become much intrusive. As they are a new construct, it would help to build public trust if the Bill contained a clear definition of ICRs and what they can include.

The Government's position is that the draft code of practice makes it clear that URLs are not communications data and therefore, by definition, cannot be included. That is helpful to some degree, but it is not the same as having a single, clear definition in one place in the Bill. Our amendment 293 simply states that an ICR cannot include content. That is consistent with the position that Ministers have outlined throughout the Bill's passage. Such an amendment would remove any lingering ambiguity. I urge the Government to accept it, or at least to commit to tabling one of their own that achieves the same thing.

Having made that point about the definition of internet connection records, I now wish to make it clear that my concern is less with the holding of data and more with the criteria under which they can be accessed. In general, communications data should not be capable of being accessed to investigate any crime, regardless of how serious the offence is and the impact on victims. For instance, we cannot justify intrusive powers for a minor driving offence, low-level antisocial behaviour or failure to pay a fine, but that, in effect, is what the Bill as drafted permits. There should be a clear and simple threshold for the use of communications data—namely, serious crime punishable by at least six months in prison, or crime where significant mental or physical harm could be caused. As I said, given the more intrusive nature of internet connection records, the threshold for their use should be even higher than that.

I understand the complexity inherent in getting the definition of that threshold right. I would not wish to rule out the use of internet connection records for cases involving online grooming, the sending of sexual communications to a child, online fraud or the location of a missing or suicidal child. I think we would all say that internet connection records should be used for those purposes, as the Home Secretary said in her response to my letter, but we need to agree a definition of serious crime that captures those activities without widening the net too much and allowing ICRs to be used in connection with the investigation of much more trivial offences.

Today, I am looking for an agreement in principle with the spirit of what I am saying: that there should be a general serious crime test for comms data and a higher threshold on top of that for the use of internet connection

records. I will listen carefully to what the Minister has to say on that, but unless I am satisfied, I am prepared to press our more general amendments to a vote.

Mr John Hayes: I am sorry to interrupt the right hon. Gentleman in his flow. I have listened carefully to what he has said, and it has been the subject of discussion, as he knows, in Committee and elsewhere. I do not want to anticipate my hon. and learned Friend the Solicitor General in his summing up, and I mean him no discourtesy, but as the Bill Minister and the Security Minister, I commit to doing what the right hon. Gentleman asked. I do so because it is really important that we have a threshold that works, particularly on ICRs.

ICRs are, as the right hon. Gentleman says, qualitatively different. He is right about cases of harassment, and so on and so forth, which is why the matter is challenging and complex. He has made a powerful case here, following the powerful case made by the hon. and learned Member for Holborn and St Pancras (Keir Starmer), and I will bring the matter back to the House during our proceedings on the Bill in the form of an amendment, in the spirit that he has described.

Andy Burnham: I said at the start that I was looking for considerable comfort, and I think I have just received it from what the Minister has said. To be clear, I was saying that there should be a threshold of six months for the use of communications data, and a higher threshold on top of that for internet connection records. As the Minister just acknowledged, there is a qualitative difference between the two. If that is what we are agreeing, and if we are also agreeing that there should be no restriction on the use of internet connection records for the other serious purposes that I have outlined, the Opposition can probably move forward on that basis without pressing our amendments to a vote.

This is the area in which the Bill has the ability to lose public trust if we do not get it right, because it could affect every single citizen in the land. I am sure that as constituency MPs many of us have dealt with situations where an individual falls out with the police at a local level, and they perceive that they are being investigated for all kinds of things and that all aspects of their lives might be turned upside down. We have to put in place appropriate protections that would not allow personal information to be handed over freely in relation to more trivial offences.

Suella Fernandes: The provisions on ICRs are designed to resolve two problems. First, our law enforcement and security personnel cannot carry out IP address resolution—identifying which device is communicating with which device—without the new powers. Secondly, even with the originating and destination IP addresses, it may not be clear which website or communications service has been accessed. The evidence from the professionals to the Joint Committee was clear: ICR retention is imperative to enable IP address resolution for investigations.

Andy Burnham: I am grateful to the hon. Lady for making a point that will enable me to be absolutely clear about what I am saying. I am not arguing against the retention of the data, as I think I made clear at the beginning. I am not arguing against ICRs per se. I acknowledge that they could be a very important tool. In an age when communications have migrated online and people have fewer voice telephone calls, this information

[*Andy Burnham*]

could be crucial in detecting serious crime. I am saying that while we should legislate to allow the data to be held, we must also legislate to put in place a very precise threshold, so that the circumstances in which those data can be accessed are explicitly clear. There is not a broad reasonableness or necessity test. What I am saying is that we need a very clear definition of what level of crime permits the authorities to access those records.

I believe that if we find that definition—I feel that the Minister has given a commitment that we will get it—it will enhance public trust in this legislation. In my view, it will knock out completely that lazy label of “snoopers charter”. That is why it is so important that the Government nail this point before the Bill concludes its passage.

Mr John Hayes: The right hon. Gentleman has looked at these matters very closely, as is illustrated by the fact that he has rightly said that there are some crimes, such as harassment, stalking and so on and so forth, that would not neatly fit into a simple category. He is also right that the threshold must be robust. This is not about minor crimes and it is not about snooping, as the less well-informed critics have sometimes described it. I have given the commitment that we will work with him and others during the passage of the Bill to move an amendment to address this issue. He was right to raise it today. He has asked for a commitment and he is getting one.

Andy Burnham: We have learned to admire the Minister greatly through this process, and we have learned that when he says something, it happens. I am reassured by the words that he has just put on the record.

If it helps—perhaps it does not, but I will say it anyway—I would favour quite a high test for ICRs, and significantly higher than six months. Alongside that, it might be possible to itemise the other individual occasions on which they could be used, be it online grooming or missing persons. The danger with trying to capture it all in a single time period is that we might open the net to other offences that we would not want to be included. I fully acknowledge that this is a complex area. That is why I want to give the Ministers leeway to see whether, working with us, they can find the right definition.

Dr Murrison: The Joint Committee spent a lot of time on ICRs and IP address resolution; then along came clause 222, which gave us some comfort because the matter can be reviewed in five years. Some of us are of the view that ICRs will not, in any event, prove to be as useful as we might hope and as Ministers certainly hope. The Danish experience was that they were not useful and their collection was therefore dropped. It is quite possible that that will come to pass here, and that in five years’ time we will review this matter. Does the right hon. Gentleman agree that clause 222 persuades some of us who are a bit doubtful about the utility and value of ICRs that we should allow the provision because it will be reviewed in five years’ time?

Andy Burnham: The review is clearly a good idea, but it is also a good idea to tighten the definition and the threshold now, because we need to ensure that there is a degree of public confidence in what is being done here. I fully accept that the review is important. The point is that although ICRs in themselves may not necessarily

solve a crime, they may let the authorities know where to go to ask for more intrusive information. They will identify the app, service or whatever it is that is being used, which might allow further lines of inquiry.

I would not be casual about this point—not that I am suggesting the hon. Gentleman was being so. If we were to publish somebody’s 12-month website visiting record, which effectively is what an ICR is, it would reveal a large amount of information about them. It would give a pretty decent profile of what kind of person they were and some of the information could be highly personal. That is why I say that we need to legislate with great care in this area if we are to carry the public with us.

5 pm

Mr Kenneth Clarke (Rushcliffe) (Con): The right hon. Gentleman is making good progress in getting very welcome undertakings from the Minister to review this whole business, in particular on serious crime and on the creation of ICRs; will he confirm that his concern also extends to the accessing of communications data by a huge range of public bodies, including every local authority? When he is discussing this matter in the near future he will have better access than anyone else, or at least than most other people, so will his concern extend not only to defining serious crime but to looking at clause 53(7)? In that subsection, any crime is relevant, as is any occasion of preventing public disorder, which could extend to difficult neighbour cases. It also allows collection of data

“for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department”.

It seems to me that the word “serious” should be put in all that, or else certainly some threshold should be. It is extremely all-embracing, and allows a district council anywhere to start getting access to communications data. Will he take those points into account as well?

Andy Burnham: I will certainly take the right hon. and learned Gentleman’s points into account. He is making the same case as we are in our amendments. To be clear, those amendments would create a general seriousness test for all communications data collection, which would have to be passed before any of those data could be released. The test created by my hon. and learned Friend the Member for Holborn and St Pancras in amendment 292 relates to offences for which the sentence is imprisonment for more than six months. We felt that that was proportionate. It begins to meet some of the right hon. and learned Gentleman’s concerns, as it would knock out some of the lower-level offences he has just described.

Given what the Minister has said, I do not intend to press that amendment to a vote, but it is the bottom line from where we start. On top of the general six months test for all communications data, we want a higher threshold for the more personal data in an internet connection record. I am glad that the right hon. and learned Gentleman intervened because we have now made that explicitly clear to the House.

I turn now to the independent review of the operational case for bulk powers, which allows me to finish on a more positive note. All the bulk powers in the Bill—bulk interception, bulk equipment interference, bulk acquisition, bulk personal datasets—give rise to privacy concerns

because of the more indiscriminate way in which they might be used. That is why it is important that they are granted on the basis of what is strictly needed rather than what it would be helpful to have, a point made by the Intelligence and Security Committee in its extremely valuable report. The Joint Committee on the draft Bill also recommended that there should be an independent review of the bulk powers. It was a point upon which I laid great emphasis in my letter to the Home Secretary, and my hon. and learned Friend the Member for Holborn and St Pancras has done the same throughout the passage of the Bill.

We are extremely pleased that the Government have agreed to that request. We agree that David Anderson, the independent reviewer, is the right person to lead the review. I understand that, following correspondence between my hon. and learned Friend and the Security Minister, terms of reference have now been agreed and the review can start in earnest. It will be concluded in time to inform proceedings in the other place. Crucially, it will consider the necessity of the powers and whether the same result could have been achieved through alternative methods. It will also have a balance of security expertise and human rights expertise. This is a significant move by the Government and will ultimately help build public trust in the Bill.

To hark back briefly to the debate on the last group of amendments, it is too early to say what we will do on the back of the review. We will have to see what it concludes, but our working assumption is that it will be incumbent on Members on all sides of the House to respond to the review and if necessary reassess their position on the back of it.

Mr Alistair Carmichael: Does the right hon. Gentleman share my concern that at the Dispatch Box the Security Minister initially said the review would focus on necessity, but when winding up the last debate would not concede in any way, shape or form that the powers were not necessary? Does that not raise some concern in the right hon. Gentleman's mind?

Andy Burnham: There is an exchange of letters between the Security Minister and my hon. and learned Friend the Member for Holborn and St Pancras, which I hope is in the public domain, and which I believe allays the fears of the right hon. Member for Orkney and Shetland (Mr Carmichael). To be clear, it was a sticking point for Labour that the review had to consider necessity and not just utility. That is enshrined in the terms of reference, so I hope I can reassure him on that point.

Clearly, there is further to go on journalistic material and internet connection records, although it appears from what the Minister has said this afternoon that we are heading in the right direction. I stress again that progress on the ICR points that I have made are a personal red line.

That said, I thank the Home Secretary, the Solicitor General and the Security Minister for the constructive way in which they have approached our discussions. Because of the consensus we have been able to find, the legislation is more likely to succeed and to stand the test of time.

Mr Grieve: I say to the right hon. Member for Leigh (Andy Burnham) that, as far as the review is concerned, I have no doubt that the Intelligence and Security

Committee will respond positively and provide input if David Anderson wants to discuss those matters with us. I certainly look forward to seeing his conclusions in the review on bulk powers, which I hope will be helpful to Parliament in identifying what improvements we can make.

Amendment 13, which is in my name and those of my colleagues on the Intelligence and Security Committee, concerns clause 54, on the additional restrictions on the grant of authorisations of communications data. In the Committee's report into privacy and security published in March 2015, we recommended that, just like the police, the intelligence agencies should always ensure a separation of roles between those requesting access to communications data and those who provide the authorisation. Previously, that has not been the case. I am grateful that the Government accepted that principle, and that it is enshrined in clause 54(1). That is an important safeguard that the Government have added to the Bill.

I hope the Minister will forgive me, but notwithstanding that, the Committee, having looked carefully at the Government's amendment, believe that, although it is 90% of the way there, 10% might do with some improvement. The Bill provides that there may be exceptional circumstances in which a separation is not required. I entirely accept that that is the case. There will be a small and probably very infrequent number of such examples where there is an imminent threat to life, which is provided for in clause 54(2) and (3). However, clause 54(3)(b) simply cites

“the interests of national security”,

which I should tell the Solicitor General is rather a broad concept, particularly as it features in all sorts of places in the Bill and can be extended to encompass almost anything that falls within the agencies' remit.

The Committee believe that it is too vague and potentially too broad. Therefore, in amendment 13, we have proposed a measure that tries to narrow the matter down without in any way affecting operational effectiveness. The amendment would limit exceptional circumstances to those where the operation is so sensitive that knowledge of it must be kept to an absolute minimum, or where there is an unplanned, time-critical but very significant opportunity to obtain information that might be lost owing to any delay in obtaining a separate approval.

The Committee very much hopes that the Government are in a position to accept the amendment.

The Solicitor General: There is more debate to be had about whether the phrase “absolute minimum”, as opposed to plain “minimum”, should be used, but I am happy to assure my right hon. and learned Friend that, in principle, we accept the amendment. We will commit to returning with a technically adequate amendment in the other place.

Mr Grieve: I am grateful to the Solicitor General for his comments and I will not take up any more of the House's time. I think that “minimum” might well be acceptable. The key thing is the next subsection, which I think tries to encapsulate very clearly the sort of exceptions we are talking about.

Joanna Cherry: The right hon. and learned Gentleman and I may be on different sides of the House, but I have the highest regard for the clarity and erudition with

[Joanna Cherry]

which he approaches matters. The Intelligence and Security Committee, which he chairs, said in its recommendation I on the draft Bill that the Bill did not make it clear that getting internet connection records

“through a specific request to a Communications Service Provider under Part 3”

is not the only way in which the agencies may have access to internet connection records. He said that that was “misleading” and that

“the Agencies have told the Committee that they have a range of other capabilities which enable them to obtain equivalent data”

to internet connection records. He said the Bill should make that clearer. Has the Bill been amended to his satisfaction on that point?

Mr Grieve: The hon. and learned Lady raises a relevant point. The Bill has not been amended, but we received sufficient assurances from the Government that the way in which the system would be operated, in terms of the internal workings of the agency, would be such as to meet the concerns we expressed. Indeed, the Solicitor General or the Minister may be in a position to confirm that. On that basis, despite the fact that we raised the point, we did not table an amendment on it. The hon. and learned Lady is quite right to pick it up. I have not wanted to detain the House for too long, otherwise I could take her through a list of areas on which, having had further discussion, we decided amendments were not required. She is right to focus on that and I hope very much the Minister is able to provide some confirmation. I am grateful to her for having raised it.

Gavin Newlands: Along with my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry), I represented the SNP in Committee. I am grateful for the opportunity to take part on Report.

I have many concerns about the Bill, and my hon. Friends have already outlined a number of areas where the SNP is sceptical about the Government’s case. This is a wide-ranging and complex Bill and time constraints prevent me from speaking to everything I would like to. However, I will focus my contribution on communications data and internet connection records. The measures in the Bill are not limited to internet access, email or telephony and include, explicitly, communication without human intervention. As it stands, the definition of communications data can tell us an awful lot about someone’s life. Stewart Baker, former senior counsel to the NSA in the United States, states that the content of a person’s communications data is redundant when we consider the amount of metadata that is already collected.

Communications data can be key in obtaining leads, solving crimes or preventing crime. However, I have a real issue with the length of the list of public bodies that would be able to access such personal and sensitive information on an individual without sufficient oversight in place. As we heard at the end of the previous debate and again at the start of this debate, from the hon. Member for Stevenage (Stephen McPartland), schedule 4 currently provides for a list of bodies that would be able to access retained data, including a range of regulatory bodies. Among them are the Food Standards Agency,

the Gambling Commission, the Office of Communications, and the Health and Safety Executive. No fewer than 47 bodies are listed, a reflection of the tightly drawn nature of the Bill—or otherwise. That suggests that access to communications data may be granted for a range of purposes, which will almost certainly be disproportionate and inconsistent with the guidance offered by the European Court of Human Rights.

It is only appropriate that the correct level of protection and oversight is in place. The SNP tabled amendments 320 to 327 and 328 to 350 to ensure sufficient judicial oversight. The relevant public bodies must seek a warrant from a judicial commissioner, replacing the Secretary of State in the process where necessary. They also ensure that a threshold of reasonable suspicion would be necessary before a warrant is issued.

The arguments on judicial warrantry have already been rehearsed at length and I do not intend to detain the House long on this issue, particularly as my hon. and learned Friend the Member for Edinburgh South West speaks with a lot more authority on that subject than I do. Suffice it to say, I think hon. Members should pause and reflect on the lack of oversight. Decisions concerning necessity and proportionality can only be made properly by someone who is truly independent from the operations of the organisation.

Clause 54 contains the first mention of internet connection records. Subsection (6) defines ICRs in such general terms as to render the definition pointless. In that regard, I welcome some of the comments from the shadow Home Secretary and the Minister in their courting across the Dispatch Box a little earlier.

5.15 pm

As we have heard, the Government intend to serve notices on service providers to retain a rolling record of each and every website visited by everyone in the UK for 12 months. The SNP has listened closely to the Government’s case for ICRs, but despite having sat through all the Committee sittings, we remain deeply unconvinced about their merit. These concerns are shared by those working in the sector and, as we read this weekend, by some Tory Back Benchers who claim that the provisions provide too many organisations with too many intrusive powers. I could not agree more.

The industry has indicated a willingness to work with the Government to help implement ICRs, but the trouble is that the industry does not know what ICRs are, and it looks like the Government still do not know either. The lack of detail is not good enough, given that the Government are asking us to sign off on legislation that will have a significant impact on the industry and will impinge on the personal privacy of all our constituents. The Internet Services Providers’ Association says:

“The Investigatory Powers Bill deals with highly complex technical matters, however, our members do not believe that complexity should lead to a Bill lacking in clarity.”

For me, this sums up the situation perfectly.

The information likely to be contained in an ICR is extremely intrusive data that could be used to profile or create assumptions about an individual’s life, connections and behaviour. For example, it might reveal deeply personal information, such as visits to pregnancy advice, mental health or gay websites. The Government did not

always favour such intrusive policies. In 2009, during consideration of a European directive, the current Immigration Minister said:

“Our consideration of the regulations comes against the backdrop of an increasingly interventionist approach by the Government into all of our lives, seemingly taking the maxim ‘need to know’ to mean that they need to know everything. Certainly, we need to know what the Government’s intentions are in relation to the creation of a new central database, which would create a central store of our electronic communications.”—[*Official Report, Fourth Delegated Legislation Committee*, 16 March 2009; c. 6.]

In response to this point, the Solicitor General pointed out that the provision was not remotely like the 2009 directive—which, incidentally, the Minister voted against—because the retained data would not be in Government hands and that the arm’s-length approach was a key difference.

Mr Alistair Carmichael: The point about the arm’s-length retention gets to the heart of the matter. The concerns expressed by the Opposition Front-Bench team all surround the question of a threshold, but the threshold will never be of any significance to those out there waiting to hack into this information, as we have seen only too clearly with the recent experience of TalkTalk.

Gavin Newlands: I could not agree more with the right hon. Gentleman. I will come to that point shortly.

The question of who retains the information is secondary to the fact that it will be retained and accessible in the first place. The Government have, true to form, merely contracted out data retention to the private sector. Many people share unease about the security of this information. As we have seen recently, private providers are susceptible to sophisticated hacking operations. The consequences, should this information get into criminal hands, are deeply worrying. Indeed, the Joint Committee on the Draft Communications Data Bill shared similar concerns when it said that storing weblog data, however securely, carried the risk that it might be hacked into or fall accidentally into the wrong hands.

Andy Burnham: I am listening carefully to what the hon. Gentleman is saying, and he is obviously aiming some of his comments in Labour’s direction. In a world where people are making fewer voice telephone calls—and if he is proposing that he would not want to collect this data—how would he propose the authorities go about locating a missing child in the early hours after the disappearance?

Gavin Newlands *rose*—

Mr Speaker: Order. I wish to say, before the hon. Gentleman develops his case, that although I absolutely understand that he speaks for his party from the Front Bench and is entitled to develop his case, I would gently point out that another seven Members wish to contribute, several of whom sat on the Committee, and I most certainly wish to include the Chair of the Joint Committee on Human Rights. It is not a criticism, but I am sure he will tailor his contribution to take account of that fact.

Mr David Winnick (Walsall North) (Lab): On a point of order, Mr Speaker. Will there be time for us to have a Third Reading debate and for those of us opposed to the Bill to show our opposition?

Mr Speaker: It depends on how many Divisions there are. As the hon. Gentleman will know, only one hour is allocated for Third Reading, and votes will eat into that, so it is a function of the demand for votes. I am sorry that I cannot give him a more precise answer, but I always have his interests uppermost in my mind, and I will try to accommodate him and others.

Mr Alistair Carmichael: Further to that point of order, Mr Speaker. The House agreed a timetable motion yesterday, since when substantial amendments and concessions have been made by those on the Treasury Bench. The Bill is very different now. Can you confirm for me that it would still be within the Government’s competence to bring forward an amended timetable that would allow us to have Third Reading on another day?

Mr Speaker: The answer to the right hon. Gentleman, who has considerable experience in these matters, not least from when he was on the other side of the fence, as a very senior Whip, is that it is always open to the Government to table an alternative programme motion. That is not a matter for the Chair. The amendments were, of course, all on the paper at the point at which the House agreed the programme motion.

I ought just to say for the avoidance of doubt that the hon. Gentleman who has the floor is not in any way being criticised; I simply wanted to make him aware of the level of demand. I think we ought now to proceed. I would happily sit here all night for colleagues to debate these matters, but I rather doubt there would be the same enthusiasm among Government Whips for such a proposition.

Gavin Newlands: Thank you very much, Mr Speaker; I have almost forgotten what the intervention was—[*Interruption.*] I do not doubt that, but to answer it, we do not know what ICRs are at the moment. They are not clearly defined—the shadow Home Secretary made that point himself earlier; nor do we know how effective they will be. People in the industry tell me that current technology, such as Tor, virtual private networks and what have you, may render them useless. We do not know what ICRs are at the moment, so I have to be honest with the shadow Home Secretary: I do not have all the answers.

Joanna Cherry: My hon. Friend sat on the Bill Committee with me and will remember that we heard evidence that if, for example, he wanted to see whether a missing child had been on Facebook, all that the internet connection record would show was whether they had been on Facebook, not whom they had been in contact with. Does he therefore agree that the utility of internet connection records for tracing missing children, which we all recognise is of the utmost importance, is perhaps being rather overblown?

Gavin Newlands: I wholeheartedly agree with my hon. and learned Friend.

Before I was intervened on the first time, I was saying that the Joint Committee on the draft Communications Data Bill said that

“storing web log data, however securely, carries the possible risk that it may be hacked into or may fall accidentally into the wrong hands, and that, if this were to happen, potentially damaging inferences about people’s interests or activities could be drawn.”

[Gavin Newlands]

It is clear that the intelligence services and the police need powers that befit the digital age in order to keep us safe and to catch perpetrators. However, when seeking to introduce powers as intrusive such as ICRs, it is incumbent on the Government to ensure that their case is watertight. As my hon. and learned Friend said in Committee, we very much hope to be an independent country writing our own security policy, so we do not take our opposition to such measures lightly.

In drafting such a proposition, with such a loose definition, the Government are asking us all to trust them and to sign a blank cheque to allow the wide use of such powers without knowing what their full impact, costs or consequences will be. The Home Office has said that companies will be reimbursed for the additional costs placed on them, but that commitment does not appear in the Bill. The Government have earmarked £175 million to reimburse companies for the costs of meeting their new responsibilities. However, most in the sector believe that is a vast underestimation of what the true costs will eventually amount to. Owing to uncertainty about the extent and definition of ICRs and the extension of communication service providers that will be affected by the proposed provision, the cost is difficult to estimate, but industry figures have told me that they expect it to be anywhere between £1 billion and £3 billion.

I appreciate that the Minister, in a letter to the Committee, reiterated the Government's intention to bear the cost of implementation, but without clearer information we cannot expect Parliament to sign a blank cheque. Between £175 million and £3 billion is a rather large range, and at a time when disabled people are losing benefits and the WASPI women cannot get the pension they were promised, this seems a rather anomalous and large black hole in potential Government spending. I have said in the past that the Government know the cost of everything and the value of nothing, but in this case they do not even know the cost.

This is a global problem and as such requires a global solution, and it is important that we reflect on what other countries have done to address the issue and that we learn any lessons from their experiences. It is unfortunate, therefore, that a similar scheme of logging data in Denmark has recently been abandoned. That scheme operated for seven years, and although I accept that there were differences in that scheme, there were many similarities. Upon its abandonment, the Danish security services expressed their view about the difficulty of being able to make proper and effective use of the large amount of data that had been gathered. It seems that, instead of spending their valuable time locating criminals, the security services will spend most of it working on spreadsheets and filtering out the useless from the useful. It should be noted that the Danish ICR model was proving too expensive and the cost spiralled out of control, that Australia considered the proposal but decided not to pursue it, and that, as we have heard, the United States is rescinding many of its intrusive powers and moving in the opposite direction.

It is for those reasons that we believe the case for ICRs has simply not been made. The Government have failed to convince us, and those working in the industry, that ICRs are necessary, proportionate and in accordance with the law. We tabled an amendment to remove them

from the Bill, but it was not accepted, which leaves us no option but to vote against the Bill in its entirety. That is not a step that we take lightly, but, ultimately, it is a necessary step.

In the event that we are unsuccessful in bringing down the Bill, we will still attempt to ameliorate aspects of it in order to protect smaller companies, especially those that supply lifeline and low-profit services to rural communities. New clause 26, which I tabled along with SNP colleagues, would exclude the providers of rural or community access communication services and small service providers from the obligation to collect and retain data. I have mentioned the deep concern in the sector about the expense that the Bill will impose on industry. I am sure that the Government will not want to put any businesses in a perilous situation, particularly those that operate with smaller cash flows and tighter margins in rural Scotland in order to provide a vital service for their local communities.

The Committee was provided with written evidence stating that smaller internet service providers were still subject to the same demands as the much larger organisations that operate on the world stage. Organisations such as HUBS are supplying vital internet connections to some of the most remote communities. If the Government railroad these clauses through the House without proper regard for the impact they will have, they will seriously endanger those small businesses and restrict internet use for some of our rural communities.

Dr Murrison: Will the hon. Gentleman give way?

Gavin Newlands: I am afraid not, because I do not have time. Plenty of other Members want to speak.

You will be pleased to hear, Mr Speaker, that I am nearing the end of my speech. [HON. MEMBERS: "Hear, hear."] Thank you.

We live in a digital age. I therefore welcome the Government's proposed digital economy Bill, and, indeed, the Chancellor's commitment to match the Scottish Government's commitment to universal broadband provision. The digital economy Bill is intended to make the United Kingdom a world leader in digital provision. However, according to many in the industry, this Bill will completely undermine that goal before the draft Bill has even been printed.

It is only right and proper for the Government to consider and propose new powers that our security agencies can use to keep us safe, but in many parts of the Bill the Government fail to make the case that the powers they want to introduce will be effective, are necessary, are in line with our right to privacy, and cannot be challenged in the courts. It is for those reasons that the SNP are still unconvinced of the merits of the Bill, and will vote against its Third Reading later this evening.

Will Quince (Colchester) (Con): I rise to support new clause 19, which stands in my name. It is a scoping amendment, which I do not intend to press. A large number of amendments have been tabled so I will be extremely brief, but I want to pay tribute to my hon. and learned Friend the Solicitor General, who has been incredibly receptive to the concerns that I have raised throughout this process.

We all remember the examples of local authorities using powers inappropriately, whether that has involved rummaging through our bins or spying on paper boys to determine whether they have the right to work. I welcome the steps that the Government have taken to try to address that, including the creation of a new criminal penalty for the misuse of these powers. However, I believe that more needs to be done to ensure that the wider public can be confident that we will not see a repeat of history, and will not see councils misusing the powers in the future.

New clause 19 would introduce a requirement that when a judicial commissioner approves an authorisation for telecommunications data for a designated senior officer of a local authority, that senior officer must notify his or her chief executive before the authorisation has taken effect. I believe that that will help for two reasons. It will discourage over-zealous officers from applying for authorisations if they know that their chief executives will see those authorisations before they take effect, and, in the event that a council officer is found to have misused the powers, the chief executive will be accountable. Chief executives will never be able to say that they did not know what was happening in their authorities.

The Solicitor General: I have listened carefully to what my hon. Friend has said. The Government wish to consider the matter further, and return to it in the other place. I hope that that gives my hon. Friend some reassurance.

Will Quince: I am greatly comforted by that response, and, in the interests of time, I am happy to sit down now.

5.30 pm

Ms Harriet Harman (Camberwell and Peckham) (Lab): I rise to support amendments 143, 144 and 145, which were tabled in my name and those of the other members of the Joint Committee on Human Rights and relate to the protection of journalists' sources. Since they were tabled, they have been supported by Labour's Front Bench and the SNP, for which I am grateful.

Yesterday, we considered additional protections for MPs and lawyers and the question of legal professional privilege. Journalists are in the same group. We extensively considered protections for everybody against the abuse of power and the invasions of privacy by the state, which is right, but there are particular issues about protecting a part of the constitution from abuses of power by the Executive. The legislature obviously holds the Government to account, so it is wrong for the state to abuse its power to prevent us from doing that. The same goes for lawyers and the rule of law. Journalists are in a parallel situation in that it is vital in our democracy that the media are free to hold the Government to account, which is an important aspect of the right of freedom of expression that is guaranteed in article 10 of the European convention on human rights.

I appreciate from the start that there is a difficulty here. It is easy to work out what a lawyer is. It is easy to work out what an MP is. It is not quite so easy with journalists. Some people are evidently journalists and some people are evidently not journalists, but some people might or might not be journalists, so I say "Good luck" to the Solicitor General with that one.

However, that difficulty must be surmounted, because we must ensure that the press's ability to go about their business and to hold the Government to account is protected.

The Solicitor General: The right hon. and learned Lady is absolutely right to talk about the difficulty of definitions, but we should be focusing on journalistic material. That is the question at hand and that is what the Bill addresses. Focusing on that might actually help us to come to a solution.

Ms Harman: It sounds as though the Minister is well under way to solving that problem, so that is encouraging.

My next point was considered by the Joint Committee on Human Rights and has been echoed throughout the House. We do not want the provisions in this legislation to contain less protection for journalistic material than the Police and Criminal Evidence Act 1984 did. That Act relates to a very different world and refers to the journalist's notebook, whereas we are considering communications data, but a key point is that the relevant journalist or media organisation is given notice when a warrant is being applied for so that they can make representations as to why one should not be granted in order to protect their sources. We are not talking about journalists who are up to their necks in criminal activity—that is not the issue. The issue arises from applications for material that relates not to any criminal activity but to a journalist's work. Can we ensure that journalists are put on notice, because of the special status of journalistic material, so that the authorising authorities have the benefit of hearing from journalists or media organisations before a warrant is granted?

I appreciate that the Minister has already responded to those issues and has put in additional protections, such as taking the non-statutory code and putting it on the statute, but the issue of notice still remains, which is why we tabled our amendments and why they have gathered support. I welcome the Minister's confirmation that he will look further at the matter, but other members of the Joint Committee on Human Rights in the House of Lords, and many other Members of the Lords, will want to consider it. Nobody wants an unjustified fettering of the ability of the security services and the police to keep us safe. The point in the intervention of my right hon. Friend the Member for Leigh (Andy Burnham) was absolutely spot on. We are all in favour of the same thing here, but we must ensure that, at the end of the process, we have the right balance not only for journalists but in many other respects.

Victoria Atkins (Louth and Horncastle) (Con): I shall speak to new clause 18 and amendment 207. I note that these are probing measures tabled by my hon. Friend the Member for Stevenage (Stephen McPartland), and I also note the assurances given by the Solicitor General. However, given the concerns raised by the SNP, I thought it may be helpful to give some examples of how the organisations in schedule 4 need these powers and how they contribute towards the criminal justice system in our country.

We are speaking about communications data, not about bulk warrants or intercept warrants; we are discussing the who, what and when of communications between suspects. The criminal justice system sees thousands of prosecutions brought each year by the organisations

[Victoria Atkins]

listed in schedule 4. The Department for Work and Pensions prosecutes benefit fraud, and I am sure we all support it on that. It conducted approximately 600,000 investigations last year, and communications data can be invaluable, particularly in dealing with conspiracies to defraud, in showing links between conspirators and the timing of their communications.

New clause 18 excludes one of the largest and most important investigating agencies: Her Majesty's Revenue and Customs. It investigates a huge range of offences, from tax fraud to cigarette smuggling and the criminal exploitation of HMRC's repayment system. The seriousness of some of these offences can be summed up in the offence that I prosecuted many times on its behalf: cheating the Revenue, which attracts a maximum sentence of life imprisonment. The Joint Committee heard evidence from HMRC that last year it made 10,000 requests for communications data, which supported 560 investigations, in cases involving a loss to the Treasury of £2 billion. If that is not a serious investigating organisation that deserves our help in investigating and prosecuting criminal activity, I do not know what is.

The injustice does not end with HMRC, and I will give just two more examples, as I am conscious of the time. The Financial Conduct Authority regulates the financial markets, and the banking, financial and insurance industries, among others. In a £10 million insider dealing fraud case, in which I was instructed, we were able to build an electronic reconstruction of a day in the life of an insider dealer. It went from the moment when a memory stick was inserted into a computer to download the price-sensitive information, to the handover of the stick to a co-conspirator at another bank, to the material being uploaded on to webmail and messages being sent out to the defendants to get trading on these stocks. The FCA operates in the digital world, by definition, and it made more communications data requests last year than 20 police forces that are cited in new clause 18.

The second example, mentioned by the hon. Member for Paisley and Renfrewshire North (Gavin Newlands), is the Health and Safety Executive. It prosecutes employers who kill and maim employees and members of the public in the workplace. These are highly specialised cases, which could encompass any workplace, from building sites to chemical factories and care homes. Last year, the HSE conducted 3,280 investigations, resulting in 535 prosecutions in England and Wales.

I know that these are probing measures and that my hon. Friend the Member for Stevenage is raising important issues, particularly on access for child protection units and others, but we must not lose sight of the important role that many of these organisations play in the criminal justice system and their need for their power to prevent and detect crime.

Several hon. Members *rose*—

Mr Speaker: Order. I would like to call the Solicitor General no later than 5.48 pm, and there are three people whom I wish to accommodate before then—Members can do the arithmetic for themselves. We have just under nine minutes to go. I call Matt Warman.

Matt Warman (Boston and Skegness) (Con): I rise to talk briefly about both journalists and internet connection records. I have heard an awful lot of comments

about journalism, and I agree with all of them. Indeed, had the Government not moved some of the material from the codes of practice into the Bill, I might have struggled to support it. At every stage, we will struggle to construct anything useful unless we define what a journalist is, and I find it hard to see how that is possible. In this modern age, I am painfully conscious that, in some senses, we are all journalists ourselves. Almost all of us write columns for our local paper. Arguably, we could all be regarded as journalists simply because we commentate via Twitter on what is going on in politics. I struggle to see what more the Government can do—as much as I would like them to do it and as much as I would like to support new clause 27. Unless we come up with a workable definition of journalism, I struggle to see how we will make what I regard as genuinely very necessary and very helpful progress on a hugely important issue.

On the second point on internet connection records, it strikes me that although they have frequently been compared with a telephone record or an itemised phone bill, it is simply not a sensible comparison in the modern world when we make far fewer voice calls. That sense of an ICR telling us simply that a user has gone to Facebook misunderstands the fact that knowing that someone has gone to Facebook if they are a missing person, for example, allows us then to go to Facebook and make that crucial next step to find that person. Although an ICR does not tell us a huge amount of information, it tells us enough. We in this House have a duty to do everything that we possibly can in this regard and to bear it in mind that it is not us but communications providers who hold that information. I very much welcome what the right hon. Member for Leigh (Andy Burnham) said about having concerns about access, rather than about the principle of what I hope we can all agree is a potentially vital tool in this vital battle against both crime and missing persons.

Several hon. Members *rose*—

Mr Speaker: Order. In fact four colleagues rather than three wish to speak.

Mr Alistair Carmichael: I rise to speak to the amendments standing in my name, particularly amendment 3. The hon. Member for Paisley and Renfrewshire North (Gavin Newlands) said that the amendments tabled by the SNP that sought to remove internet connection records from the Bill had not been selected. I notice that he and the hon. and learned Member for Edinburgh South West (Joanna Cherry) have also added their names to amendment 3. It was not my intention at the start of this debate, but I have heard so little by way of comfort from the Government Front-Bench team that I intend to press amendment 3 to a vote. It is surely unacceptable, at this stage in proceedings, that we still have no proper definition of what exactly is an internet connection record. Others have touched on that during the course of our debates.

It is 15 years to the day since I was elected at the 2001 general election. I have seen a few things in this House in that time, and one thing that I have learned to recognise is a well-rehearsed line exchanged between the two Front-Bench teams. I think we saw that when the shadow Home Secretary was getting his assurances from the Minister for Security. I have to say that he has

got assurances which, frankly, miss the whole point. The assurances on threshold, for example, do absolutely nothing to address the problems that are inherent in the riskiness of retaining such data in the first place. I cannot improve on the definition or the expression that was used by the Joint Committee when it reported on the draft Bill. It said that the collection of internet connection records would be a

“honeypot for casual hackers, blackmailers, criminals large and small from around the world, and foreign states.”

David Anderson QC described the expanded data collection by internet service providers as “overstated and misunderstood”—to the point and understated. There is no other “Five Eyes” country in which operators have been forced, or are being forced, to retain similar internet connection data. That surely tells us all that we need to know. The case has not been made. It is always open to the Government to come back on some future occasion to make a case and to put these provisions in another Bill. They have not made the case, and the provisions should not be in this Bill.

James Berry (Kingston and Surbiton) (Con): That was a very disappointing reaction from the right hon. Member for Orkney and Shetland (Mr Carmichael) to what I thought has been the very constructive way in which the right hon. Member for Leigh (Andy Burnham) has dealt with the Government both today and yesterday.

5.45 pm

I support the Bill and the amendments that the Government have accepted, and I draw the House's attention to the fact that I have represented the police on a number of occasions. What has always struck me in cases about warranting is that if the police want to search someone's house, their shed or even their car, they have to go and get judicial authorisation from a magistrate, yet for more intrusive and covert surveillance they did not have to do that. That is why the Bill is a welcome step towards proper independent scrutiny of the intrusive powers of the state. I am also pleased that the Bill brings up to date the powers that the police have long had and been granted by this House on the interception of mail and phone calls, bringing them into the digital age in which most criminals today operate.

In the time available, I want to speak briefly about communications data, because in my experience as a barrister, and as my hon. Friend the Member for Louth and Horncastle (Victoria Atkins) ably demonstrated, communications data are essential to many cases. In some cases in which I have been involved, it has been the main evidence and in some the only evidence that led to the perpetrator being identified and ultimately convicted. It is essential in identifying the perpetrator, the link they have to the co-accused and the links they have to the victim.

It is telling that in the last decade every single security service counter-terrorism case involved communications data and 95% of serious and organised crime investigations in which the CPS was involved concerned locations data. Those facts speak for themselves. Opposition Front Benchers have been very constructive in dealing with this and in the amendments they have tabled, and those on the Government Front Bench have responded in the same way. For these reasons—I will not add to the very good reasons already given by my hon. Friend

the Member for Louth and Horncastle—I support the Bill and the amendments that the Government have accepted.

Chris Philp (Croydon South) (Con): I want to speak briefly about clause 68, Government amendment 51 and amendment 145. Clause 68 is welcome and delivers the manifesto commitment to introduce judicial oversight of these investigatory powers over journalists. As the noble Lord Falconer has pointed out, no such protections exist under the Regulation of Investigatory Powers Act 2000. These new requirements for judicial consent by the commissioner are very welcome.

I very much welcome Government amendment 51, which explicitly acknowledges the public interest in protecting a journalist's sources and makes it clear that the commissioner must weigh that against any other public interest, which must be overriding. I hope that gives the right hon. and learned Member for Camberwell and Peckham (Ms Harman) at least some comfort. Were we to adopt her amendment 145, I think the implication would be that the judgment would have to be made in open court, and given the difficult and potentially wide definition of journalistic material that now exists, that might impose a rather onerous requirement. Were the Government so minded, they might at some later time fine tune clause 68 to say that if the judicial commissioner found the situation slightly ambiguous, they could go to the journalist to seek clarification; if there were cases in which they were finding it difficult to make that judgment, they could seek further and better particulars. However, I think that Government amendment 51 is extremely helpful in addressing many of the concerns expressed about that important issue.

The Solicitor General: It is a pleasure to speak at the end of a wide-ranging but important debate about the new power on internet connection records. It is right to remind ourselves of the context of the debate. Only last week, two individuals received significant prison sentences in Britain's biggest known gun smuggling operation. It was analysis of communications data that provided vital evidence in that case. It allowed the investigative team to attribute telephone numbers and SIM cards to the defendants and to identify key locations.

However, communications data are changing. The world in which the hon. and learned Member for Holborn and St Pancras (Keir Starmer) and I started out practising is no longer the world as it is today. Telephone calls are very often not the means by which criminals and terrorists conduct their activity. Much of that has moved on to the internet via WhatsApp, via internet chatrooms and via the electronic internet communications that have become the mainstay of many criminal enterprises. It is vital that the legislation that we pass in this House not only attempts to keep pace with this breathtaking change, but tries to get ahead of it as far as possible.

Joanna Cherry: The Solicitor General will be aware of an exchange that I had earlier with the right hon. and learned Member for Beaconsfield (Mr Grieve) about the fact that there are other ways in which law enforcement agencies can obtain internet connection records. Does the Solicitor General agree that that includes getting the data retrospectively for specific targets from operators who already temporarily store such data for their own

[Joanna Cherry]

business purposes? It would therefore be misleading to imply that the provisions in the Bill are the only way of getting at internet connection records for the purpose of solving specific crimes.

The Solicitor General: I take what the hon. and learned Lady says advisedly. It is not good enough to rely purely on third parties to provide the sources of evidential leads. Government must take a lead in this. We are not in the scenario of building our own database, which has rightly been rejected as unfeasible and an unacceptable increase in state power. This is about requiring third parties to retain for up to 12 months information that could provide the sort of evidential leads that up till now have conventionally been provided by observation evidence and via telephone and SMS evidence that is increasingly becoming obsolete. This is about the Government doing their duty to the people whom we serve and to the country that we are supposed to defend, and doing our duty to protect our citizens.

I shall deal as best I can with the amendments in turn. I am grateful to my hon. Friend the Member for Stevenage (Stephen McPartland), who spoke to the issue of the request filter. That is a filter that will be maintained by the Secretary of State. It does not hold data of itself; it is a safeguard. It is there to prevent collateral information being provided to the public authority. It is an innovation and it specifically limits the communications data retained to only that which is relevant.

I would argue that the measure is essential because it serves the interests of privacy that have formed such a part of the debates in this House, and it will help to reduce error. The filter will accept only communications data disclosed by communications service providers in response to specific requests from public authorities, each of which must be necessary and proportionate. Any irrelevant data that do not meet those criteria will be deleted and not made available to the public authority. My hon. Friend has tabled probing amendments, and I know that that is the spirit in which he has initiated debate.

On the question of review, I am entirely sympathetic with the desire for ongoing review of the Bill's provisions, but that is already provided for. The operation of the Act is to be reviewed by the Secretary of State after five years, which is entirely appropriate. This Bill will need some time to bed in, and time will be needed to see what effect it has had. My concern is that a two-year review runs the risk that we will not be in a position to properly assess its impact. For those reasons, I urge hon. Members who have tabled amendments relating to the review to accept the argument that I submit and to withdraw the amendments.

We have had much debate about journalists. Quite rightly, we have sought to focus on journalistic material because there is a danger in this debate, as with MPs and as with lawyers, that we focus upon the individual and the role, as opposed to the interest to be served. Journalists serve a public interest—the vital importance of freedom of expression in our society, freedom of speech, freedom of thought, and that vital aspect of journalism, the non-disclosure of the source of journalists' material.

The Government are very cautious and careful about the way in which we seek to deal with these matters, which is why we have tabled the amendments that have already been spoken to by other Members. The placing of the stringent test in amendment 51—the public interest in protecting a source of journalistic information—is further evidence of our continued commitment to protecting the freedom of the press and freedom of expression in our country. As my right hon. Friend the Minister for Security and I have already said, we have listened to the strength of feeling on the matter and will consider whether further protections, over and above the significant protections that already exist under PACE in relation to journalists themselves, are appropriate where the collateral effect of warranted intrusion discloses their sources.

Let me therefore deal with the question of ICRs and their definitions. My right hon. Friend the Minister for Security, in an intervention on the shadow Home Secretary, has set out clearly the Government's position on how we would view the threshold. The right hon. Gentleman quite rightly accepts that this is not an easy task and that we must get it right. We do not want to exclude offences such as stalking and harassment, for example. We want to ensure that the threshold is robust but actually makes sense in the context of the new powers of ICRs. I look forward to that work being ongoing.

Let me deal with the question of definition. I can be clear today once again that the Bill does not require companies to retain content, but I am willing to consider any amendments that further improve definitions in the Bill, as another opportunity for meaningful dialogue to take place so that we get the definition absolutely right. I know that that is a concern not only of the shadow Home Secretary, but of other right hon. and hon. Members.

Let me move on to the SNP amendments. I am grateful to the hon. Member for Paisley and Renfrewshire North (Gavin Newlands), who has been consistent in his argument today, as he was in Committee. With respect, however, I have to say that that consistency is misplaced. There is an important issue here about access to communications data that I think would be jeopardised in a way that would be prejudicial to the public if judicial commissioners became involved. I do not think that there is any utility or public interest to be served by the introduction of judicial commissioner approval for communications data acquisitions, because we are talking about a great volume of material. Also, the highly regarded single point of contact regime has already provided expert advice and guidance to authorising officers, and that is placed as a mandatory requirement in the Bill.

There are many other amendments that I could address, but time does not permit me, save to say that our commitment to protecting the public and ensuring that our legislation is up to pace with modern developments is clear, so I urge right hon. and hon. Members to support our amendments.

Stephen McPartland: I am grateful to the Solicitor General and to the Minister for Security for the time that they have given me over the past 12 months, to work with me on these amendments and in our negotiations. I am very happy to withdraw my new clause and not to press my other amendments, as they are probing amendments that were not intended to be pressed to a vote. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

Clause 53**POWER TO GRANT AUTHORISATIONS**

Amendment proposed: 320, page 42, leave out lines 14 and 15 and insert

“Subsection (2) applies if a designated senior officer of a relevant public authority considers—

- (a) that a Judicial Commissioner may, on an application made by a designated senior officer at a relevant public authority, issue a communications data access authorisation where the Judicial Commissioner considers—”.—(*Gavin Newlands.*)

See amendment 327.

Question put, That the amendment be made.

The House divided: Ayes 68, Noes 285.

Division No. 11]**[5.59 pm****AYES**

Ahmed-Sheikh, Ms Tasmina	McCaig, Callum
Arkless, Richard	McDonald, Stewart
Bardell, Hannah	Malcolm
Blackman, Kirsty	McDonald, Stuart
Boswell, Philip	C.
Brake, rh Tom	McGarry, Natalie
Brock, Deidre	McLaughlin, Anne
Brown, Alan	Monaghan, Carol
Cameron, Dr Lisa	Mulholland, Greg
Campbell, Mr Ronnie	Mullin, Roger
Carmichael, rh Mr	Newlands, Gavin
Alistair	Nicolson, John
Chapman, Douglas	O'Hara, Brendan
Cherry, Joanna	Oswald, Kirsten
Clegg, rh Mr Nick	Paterson, Steven
Cowan, Ronnie	Pugh, John
Crawley, Angela	Ritchie, Ms Margaret
Day, Martyn	Robertson, rh Angus
Docherty-Hughes, Martin	Salmond, rh Alex
Donaldson, Stuart Blair	Saville Roberts, Liz
Durkan, Mark	Sheppard, Tommy
Edwards, Jonathan	Skinner, Mr Dennis
Farron, Tim	Stephens, Chris
Ferrier, Margaret	Thewliss, Alison
Gethins, Stephen	Thomson, Michelle
Gibson, Patricia	Weir, Mike
Grady, Patrick	Whiteford, Dr Eilidh
Grant, Peter	Whitford, Dr Philippa
Gray, Neil	Williams, Hywel
Hendry, Drew	Williams, Mr Mark
Hosie, Stewart	Wilson, Corri
Kerevan, George	Winnick, Mr David
Kerr, Calum	Wishart, Pete
Lamb, rh Norman	
Law, Chris	
Lucas, Caroline	
MacNeil, Mr Angus	
Brendan	
Mc Nally, John	

Tellers for the Ayes:
Marion Fellows and
Owen Thompson

NOES

Adams, Nigel	Baker, Mr Steve
Afriyie, Adam	Barclay, Stephen
Aldous, Peter	Baron, Mr John
Allan, Lucy	Barwell, Gavin
Allen, Heidi	Bebb, Guto
Amess, Sir David	Bellingham, Sir Henry
Andrew, Stuart	Benyon, Richard
Ansell, Caroline	Beresford, Sir Paul
Argar, Edward	Berry, Jake
Atkins, Victoria	Berry, James
Bacon, Mr Richard	Bingham, Andrew

Blackman, Bob	Ghani, Nusrat
Blunt, Crispin	Gibb, Mr Nick
Boles, Nick	Glen, John
Bone, Mr Peter	Goldsmith, Zac
Borwick, Victoria	Gove, rh Michael
Bradley, Karen	Graham, Richard
Brady, Mr Graham	Grant, Mrs Helen
Brazier, Mr Julian	Gray, Mr James
Bridgen, Andrew	Grayling, rh Chris
Brine, Steve	Green, Chris
Brokenshire, rh James	Green, rh Damian
Bruce, Fiona	Grieve, rh Mr Dominic
Buckland, Robert	Griffiths, Andrew
Burns, Conor	Gummer, Ben
Burns, rh Sir Simon	Gyimah, Mr Sam
Burrowes, Mr David	Halfon, rh Robert
Campbell, Mr Gregory	Hall, Luke
Carmichael, Neil	Hammond, Stephen
Cartledge, James	Hancock, rh Matthew
Cash, Sir William	Hands, rh Greg
Caulfield, Maria	Harper, rh Mr Mark
Chalk, Alex	Harrington, Richard
Chishti, Rehman	Harris, Rebecca
Chope, Mr Christopher	Haselhurst, rh Sir Alan
Churchill, Jo	Hayes, rh Mr John
Clarke, rh Mr Kenneth	Heald, Sir Oliver
Cleverly, James	Heapey, James
Clifton-Brown, Geoffrey	Heaton-Harris, Chris
Coffey, Dr Thérèse	Heaton-Jones, Peter
Collins, Damian	Henderson, Gordon
Colvile, Oliver	Hinds, Damian
Costa, Alberto	Hoare, Simon
Cox, Mr Geoffrey	Hollinrake, Kevin
Crabb, rh Stephen	Hollobone, Mr Philip
Davies, Chris	Holloway, Mr Adam
Davies, David T. C.	Hopkins, Kris
Davies, Mims	Howarth, Sir Gerald
Davies, Philip	Howell, John
Djanogly, Mr Jonathan	Howlett, Ben
Dodds, rh Mr Nigel	Huddleston, Nigel
Donaldson, rh Mr Jeffrey	Hunt, rh Mr Jeremy
M.	Hurd, Mr Nick
Donelan, Michelle	Jackson, Mr Stewart
Dowden, Oliver	James, Margot
Doyle-Price, Jackie	Javid, rh Sajid
Drax, Richard	Jayawardena, Mr
Drummond, Mrs Flick	Ranil
Duncan, rh Sir Alan	Jenkyns, Andrea
Duncan Smith, rh Mr Iain	Jenrick, Robert
Dunne, Mr Philip	Johnson, Boris
Elliott, Tom	Johnson, Gareth
Ellis, Michael	Johnson, Joseph
Ellison, Jane	Jones, Andrew
Elphicke, Charlie	Jones, Mr Marcus
Eustice, George	Kawczynski, Daniel
Evans, Graham	Kennedy, Seema
Evans, Mr Nigel	Kinahan, Danny
Evennett, rh Mr David	Kirby, Simon
Fabricant, Michael	Knight, rh Sir Greg
Fallon, rh Michael	Knight, Julian
Fernandes, Suella	Kwarteng, Kwasi
Field, rh Mark	Lancaster, Mark
Foster, Kevin	Latham, Pauline
Francois, rh Mr Mark	Lee, Dr Phillip
Frazer, Lucy	Leslie, Charlotte
Freeman, George	Letwin, rh Mr Oliver
Freer, Mike	Lewis, rh Dr Julian
Fuller, Richard	Liddell-Grainger, Mr Ian
Fysh, Marcus	Lidington, rh Mr David
Gale, Sir Roger	Lopresti, Jack
Garnier, rh Sir Edward	Lord, Jonathan
Gauke, Mr David	Loughton, Tim

Lumley, Karen
 Mackinlay, Craig
 Mackintosh, David
 Main, Mrs Anne
 Mak, Mr Alan
 Malthouse, Kit
 Mann, Scott
 Mathias, Dr Tania
 May, rh Mrs Theresa
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Mordaunt, Penny
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Mowat, David
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Nokes, Caroline
 Nuttall, Mr David
 Offord, Dr Matthew
 Opperman, Guy
 Paisley, Ian
 Pawsey, Mark
 Penning, rh Mike
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Phillips, Stephen
 Philp, Chris
 Pincher, Christopher
 Poulter, Dr Daniel
 Prentis, Victoria
 Prisk, Mr Mark
 Pritchard, Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, Mr Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Selous, Andrew
 Shannon, Jim

Shapps, rh Grant
 Sharma, Alok
 Shelbrooke, Alec
 Simpson, David
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Solloway, Amanda
 Soubry, rh Anna
 Spelman, rh Mrs Caroline
 Spencer, Mark
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Stride, Mel
 Stuart, Graham
 Sturdy, Julian
 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
 Truss, rh Elizabeth
 Tugendhat, Tom
 Turner, Mr Andrew
 Vaizey, Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Mrs Theresa
 Walker, Mr Robin
 Wallace, Mr Ben
 Warburton, David
 Warman, Matt
 Whately, Helen
 Wheeler, Heather
 White, Chris
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggan, Bill
 Williams, Craig
 Williamson, rh Gavin
 Wilson, Sammy
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
 Sarah Newton and
 George Hollingbery

Question accordingly negated.

6.11 pm

Proceedings interrupted (Programme Order, 6 June).

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 68

COMMISSIONER APPROVAL FOR AUTHORISATIONS TO IDENTIFY OR CONFIRM JOURNALISTIC SOURCES

Amendments made: 49, page 54, line 10, leave out

“made an order under this section approving”

and insert “approved”.

This amendment removes the need for a Judicial Commissioner to make an order when approving an authorisation under Part 3 to identify or confirm journalistic sources.

Amendment 50, page 54, line 12, leave out

“an order under this section approving”

and insert “approval of”.

This amendment is consequential on amendment 49.

Amendment 51, page 54, line 25, at end insert—

“() In considering whether the position is as mentioned in subsection (5)(a) and (b), the Judicial Commissioner must, in particular, have regard to—

(a) the public interest in protecting a source of journalistic information, and

(b) the need for there to be another overriding public interest before a relevant public authority seeks to identify or confirm a source of journalistic information.”

This amendment requires a Judicial Commissioner to have regard, in particular, to the public interest in protecting a source of journalistic information when deciding whether to approve an authorisation under Part 3 to identify or confirm a journalistic source.

Amendment 52, page 54, line 27, leave out “make an order quashing” and insert “quash”.—(*The Solicitor General.*)

This amendment removes the need for a Judicial Commissioner to make an order when quashing an authorisation under Part 3 to identify or confirm journalistic sources where the Commissioner has refused to approve the grant of the authorisation.

Clause 78

POWERS TO REQUIRE RETENTION OF CERTAIN DATA

Amendment proposed: 3, page 62, line 22, leave out “therefore includes, in particular” and insert “does not include”.—(*Mr Alistair Carmichael.*)

Question put, That the amendment be made.

The House divided: Ayes 69, Noes 282.

Division No. 12]

[6.12 pm

AYES

Ahmed-Sheikh, Ms Tasmina	Donaldson, Stuart Blair
Arkless, Richard	Durkan, Mark
Bardell, Hannah	Edwards, Jonathan
Black, Mhairi	Farron, Tim
Blackman, Kirsty	Fellows, Marion
Boswell, Philip	Ferrier, Margaret
Brock, Deidre	Gethins, Stephen
Brown, Alan	Gibson, Patricia
Cameron, Dr Lisa	Grady, Patrick
Campbell, Mr Ronnie	Grant, Peter
Carmichael, rh Mr Alistair	Gray, Neil
Chapman, Douglas	Hendry, Drew
Cherry, Joanna	Hosie, Stewart
Clegg, rh Mr Nick	Kerevan, George
Cowan, Ronnie	Kerr, Calum
Crawley, Angela	Lamb, rh Norman
Day, Martyn	Law, Chris
Docherty-Hughes, Martin	Lucas, Caroline

MacNeil, Mr Angus Brendan
 Mc Nally, John
 McCaig, Callum
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McGarry, Natalie
 McLaughlin, Anne
 Monaghan, Carol
 Mulholland, Greg
 Mullin, Roger
 Newlands, Gavin
 Nicolson, John
 O'Hara, Brendan
 Oswald, Kirsten
 Paterson, Steven
 Pugh, John
 Ritchie, Ms Margaret
 Robertson, rh Angus

Salmond, rh Alex
 Saville Roberts, Liz
 Sheppard, Tommy
 Skinner, Mr Dennis
 Stephens, Chris
 Thewliss, Alison
 Thomson, Michelle
 Weir, Mike
 Whiteford, Dr Eilidh
 Whitford, Dr Philippa
 Williams, Hywel
 Williams, Mr Mark
 Wilson, Corri
 Winnick, Mr David
 Wishart, Pete

Tellers for the Ayes:

**Tom Brake and
 Owen Thompson**

NOES

Adams, Nigel
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Amess, Sir David
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Baker, Mr Steve
 Barclay, Stephen
 Baron, Mr John
 Barwell, Gavin
 Bebb, Guto
 Bellingham, Sir Henry
 Benyon, Richard
 Beresford, Sir Paul
 Berry, Jake
 Berry, James
 Bingham, Andrew
 Blackman, Bob
 Blunt, Crispin
 Bone, Mr Peter
 Borwick, Victoria
 Bradley, Karen
 Brady, Mr Graham
 Brazier, Mr Julian
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burns, Conor
 Burns, rh Sir Simon
 Burrowes, Mr David
 Cairns, rh Alun
 Campbell, Mr Gregory
 Carmichael, Neil
 Cartledge, James
 Cash, Sir William
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clarke, rh Mr Kenneth
 Cleverly, James
 Clifton-Brown, Geoffrey
 Coffey, Dr Thérèse

Collins, Damian
 Colville, Oliver
 Costa, Alberto
 Cox, Mr Geoffrey
 Crabb, rh Stephen
 Davies, Chris
 Davies, David T. C.
 Davies, Mims
 Djanogly, Mr Jonathan
 Dodds, rh Mr Nigel
 Donaldson, rh Mr Jeffrey M.
 Donelan, Michelle
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Elliott, Tom
 Ellis, Michael
 Ellison, Jane
 Elphicke, Charlie
 Eustice, George
 Evans, Graham
 Evans, Mr Nigel
 Evennett, rh Mr David
 Fabricant, Michael
 Fallon, rh Michael
 Fernandes, Suella
 Field, rh Mark
 Foster, Kevin
 Francois, rh Mr Mark
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fuller, Richard
 Fysh, Marcus
 Gale, Sir Roger
 Garnier, rh Sir Edward
 Gauke, Mr David
 Ghani, Nusrat
 Gibb, Mr Nick
 Glen, John
 Goldsmith, Zac
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Gray, Mr James
 Grayling, rh Chris
 Green, Chris

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

McCartney, Karl
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Mordaunt, Penny
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Mowat, David
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Nuttall, Mr David
 Offord, Dr Matthew
 Opperman, Guy
 Paisley, Ian
 Pawsey, Mark
 Penning, rh Mike
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Phillips, Stephen
 Philp, Chris
 Pincher, Christopher
 Poulter, Dr Daniel
 Prentis, Victoria
 Prisk, Mr Mark
 Pritchard, Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, Mr Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Selous, Andrew
 Shannon, Jim
 Shapps, rh Grant
 Sharma, Alok
 Shelbrooke, Alec
 Simpson, David
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, Julian
 Smith, Royston
 Solloway, Amanda
 Soubry, rh Anna
 Spelman, rh Mrs Caroline
 Spencer, Mark
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Stride, Mel
 Stuart, Graham
 Sturdy, Julian

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
 Truss, rh Elizabeth
 Tugendhat, Tom
 Turner, Mr Andrew
 Vaizey, Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Mrs Theresa
 Walker, Mr Robin
 Wallace, Mr Ben

Warburton, David
 Warman, Matt
 Whately, Helen
 Wheeler, Heather
 White, Chris
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williams, Craig
 Williamson, rh Gavin
 Wilson, Sammy
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
Sarah Newton and
George Hollingbery

Question accordingly negated.

Ordered,

That clause 94 be transferred to the end of line 38 on page 76.—
 (*The Solicitor General.*)

Ordered,

That clause 117 be transferred to the end of line 36 on
 page 74.—(*The Solicitor General.*)

Third Reading

6.23 pm

The Secretary of State for the Home Department
(Mrs Theresa May): I beg to move, That the Bill be now
 read the Third time.

The first duty of Government is the protection of their citizens, and the first duty of Parliament is to hold the Government to account for the way they protect those citizens. This landmark Bill will ensure that our police and security and intelligence agencies have the powers they need to keep us safe in an uncertain world. It provides far greater transparency, overhauls safeguards and adds protections for privacy. It also introduces a new and world-leading oversight regime. It is a vital Bill—on that, we are agreed across the House.

It is only right to afford such an important Bill proper scrutiny. Three independent reviews informed the Bill's drafting: the independent reviewer of terrorism legislation, David Anderson QC; an expert panel convened by the Royal United Services Institute; and the Intelligence and Security Committee of Parliament. It was then scrutinised by not one, but three parliamentary Committees. We have now had a further report from the Joint Committee on Human Rights, which said:

“We welcome the introduction of a Bill as representing a significant step forward in human rights terms towards the objective of providing a clear and transparent legal basis for...investigatory powers”.

The reports produced on the Bill, when piled up, reach nearly 1 foot high of paper. It has proceeded through the House of Commons on the normal timetable and with the usual forensic line-by-line scrutiny applied by the House. I thank the right hon. and hon. Members who sat on the Public Bill Committee; those who sat on the Joint Committee that gave the Bill pre-legislative scrutiny with Members from another place; the Joint Committee on Human Rights and the Science and

Technology Committee for their reports; the right hon. and hon. Members of the Intelligence and Security Committee, who scrutinised the more sensitive aspects of the Bill; and all those right hon. and hon. Members who contributed on Report. The scrutiny that they have given the Bill may well be unprecedented.

I extend particular thanks to the Security Minister, the Solicitor General and the hon. and learned Member for Holborn and St Pancras (Keir Starmer) for the detailed way in which they have worked on the Bill. I also thank the hard-working team in the Home Office who have supported the Bill, and all those who supported the Committees.

It is because the Bill is so important that it has received unprecedented scrutiny. It provides a clear and comprehensible legal basis for the powers used by our law enforcement and intelligence agencies. It introduces the most fundamental reform in investigatory powers since the avowal of those agencies with the introduction of judicial authorisation of the most sensitive powers. It puts the Wilson doctrine protections on to the statute book for the first time; creates one of the most senior and powerful judicial oversight posts in the country with the creation of the Investigatory Powers Commissioner; and brings the powers of our police and security and intelligence agencies up to date, making them fit for a digital age.

I have always said that I am willing to listen to constructive contributions from those on both sides of the House to get the Bill right, which is why the Government returned with amendments that I am grateful the House passed on Report. We have strengthened safeguards for journalists, for MPs and for the use of medical records, and added protections called for by communications service providers. Reflecting the cross-party support for the Bill, I am pleased that we have been able to agree the Opposition amendment to put beyond doubt the protections for trade union activity. We have welcomed amendments from the ISC to add clarity and strengthen safeguards.

Perhaps the most important change to the Bill is the new privacy clause, which places the protection of privacy at the heart of the Bill. The manuscript amendment that we tabled and passed yesterday will ensure not only that privacy is at the heart of the Bill, but that privacy must also be central to the decision to authorise the use of the most sensitive powers.

It is because we continue to listen that we have committed to make further changes when the Bill enters the Lords. Responding to another suggestion from the official Opposition, we will introduce a threshold for access to internet connection records, to put beyond doubt that those vital powers cannot be used to investigate minor crimes. We will introduce an amendment to respond to the Opposition proposal on the important appointment of the Investigatory Powers Commissioner. We have also committed to implement a number of further reforms proposed by the ISC.

I look forward to the continued careful scrutiny the Bill will receive in the other place, but the key message their lordships should take from the last two days of debate is that this House supports the Bill. We have before us a world-leading piece of legislation, which has been subject to unparalleled scrutiny, and which now, I hope, commands cross-party support. Being in government means taking the difficult decisions about the most

fundamental questions that democratic societies face. It means striking the right balance between the need for privacy and the right to live in safety and security.

Being a responsible Opposition means scrutinising those decisions thoroughly, but fairly. I commend the Opposition for the constructive approach they have taken to these most important issues. I commend all those who have contributed to the scrutiny that we have seen today and throughout the passage of the Bill. I commend this vital Bill to the House.

6.28 pm

Andy Burnham: I was first elected to the House 15 years ago to this very day. In that time, debates on security and privacy have produced some of the most fractious exchanges I have seen. It is treacherous territory littered with past failure. Too often, such debates are pitched as a clash between two absolutes of privacy and security, where there can be no compromise and only one winner—witness the Apple versus FBI debate in the US.

I have always started from the point that people should not be forced to choose between the two. We all have an interest in maximising both our personal privacy and our collective security. We have to work to find the best point of balance between the two. Over the past three months, this House has got closer to finding that balance than ever before. We have elevated the debate above simplistic loyalties to the security or privacy lobbies. As a result, we are now significantly closer to developing the balanced, modern, world-leading framework, which the Home Secretary spoke about, for the use of investigatory powers that this country needs in the digital age.

I echo the thanks the Home Secretary gave to right hon. and hon. Members of this House and its various Committees: all Members who have contributed in the past two days; the members of the Public Bill Committee; the Chairs of that Committee, the hon. Member for Mid Bedfordshire (Nadine Dorries) and my hon. Friend the Member for Ynys Môn (Albert Owen); and the Clerks and the Public Bill Office for overseeing such a high quality process.

The Bill leaves this House in a much better state than we found it. That is due in no small part to the forensic mind and engaging approach of my hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer). By setting out clearly after Second Reading our seven substantial concerns, we have been able to bring a focus to this debate that I think has been to the benefit of this House. I am pleased to say that we have secured major commitments on all seven concerns, in particular on bulk powers, the independent review, the privacy clause, judicial oversight and the double lock, and trade unions. Thanks to the constructive work of Labour, there are stronger safeguards in the Bill that protect people's privacy and their human rights. I say this to those who might be planning to vote against the Bill tonight: a vote against it is to deny people those safeguards and to leave on the statute book a much weaker piece of legislation that does not afford those protections.

Our consideration has also been helped by the way in which we, as a country, continue to shine a light on some of the darkest chapters in our past. We continue to learn of instances where the power of the state has

been unfairly used against ordinary people. By being prepared to open up about that and be honest about how we were governed and policed in the past, I believe we are now beginning to make better legislation in the present. I pay tribute to the Home Secretary for the courage she has shown in being prepared to do that, but I say again that she should be prepared to carry on going wherever that evidence takes us. Following the Hillsborough verdict, I believe that that trail now leads very firmly to Orgreave, and, following the court settlement last month, to blacklisting.

I will continue to press the Home Secretary on those matters, but I congratulate her on how she and her Ministers have handled discussions on the Bill. The Security Minister, or Brother Hayes as we might now call him after his starring role in today's papers, has brought all his considerable experience and personality to bear in moving the Bill forward. It is all the better for it. Although he probably does not want me to mention him, I feel the need to mention the hon. Member for Brighton, Kemptown (Simon Kirby), who has been the most helpful Government Whip I have ever come across.

Let me be clear: the Bill is not there yet. We need further changes on internet connection records—the Home Secretary alluded to that—and on the protection of journalists and their sources, and on legal privilege. However, if the Government continue with the same approach as the one they have adopted in recent weeks, I have every confidence that we will get there. We must do that for those who depend on the Bill we are debating. The police and security services do incredibly difficult work on our behalf and we thank them for it. Their job has got harder as both the level of the threat has risen and the nature of communication has changed in the modern world. To fail to respond to that would be a dereliction of our duties to them; it would also fail our constituents. The Bill is ultimately about their safety, the safety of their families and their privacy. I think we can look ourselves in the mirror tomorrow and say we have done our level best to maximise both.

6.34 pm

Joanna Cherry: I start by placing on record my thanks to all the organisations that have supported and advised the Scottish National party during the passage of the Bill. I said at the outset of the debate yesterday that I made no apology for tabling so many amendments and I stick by that. This is one of the most lengthy and complex Bills that the House has debated for many years. The powers it seeks to give to the state are immense and far-reaching. The Bill is of huge constitutional significance, yet we have had fewer than two full working days to debate it on Report. Accordingly, the number of amendments that could be put to a vote was just a very small proportion of the number tabled.

The SNP wants to give the security services necessary and proportionate powers to fight terrorism; we wanted to support those parts of the Bill that maintained and codified law enforcement's existing powers; and we would have been happy to support an enhanced oversight regime. However, so long as the Bill allows such significantly unfettered collection of, and access to, communications data, including internet connection records, we cannot give it our support. Neither can we support a Bill that sets out such far-reaching powers to acquire the personal

[Joanna Cherry]

and private data of our constituents, while a proper case for the necessity of those powers has yet to be made out.

We have been happy to support some Government amendments, including new clause 5, which appears to recognise the importance of taking into account the right to privacy and other human rights, but such concessions as the Government have made have been vastly exaggerated by both the Government and, I am sorry to say, the main Opposition party. There has been a great deal too much mutual congratulation. Only the SNP and the Liberal Democrats have been concerned enough to put opposition amendments to votes. Were there really no issues that the Labour party considered worth putting to a vote?

We were pleased to offer our support to the Labour party on its amendment protecting trade unionists going about their lawful activities, but what about other activists and campaigners? What about non-governmental organisations and whistleblowers? The SNP's amendments were also designed to protect them. Why were they not supported? The main Opposition party seems content to take Government assurances at face value and to leave matters to the Lords. The SNP believes that these issues should be debated in full and resolved on the Floor of this Chamber, which is democratically elected and accountable to the public, not in the unelected, unaccountable Lords. [Interruption.] I would appreciate it if those who have been absent for most of the debate would stop chuntering from the Front Bench. I am angry with people who treat these matters so lightly.

I want to take bulk powers as an example. All parties now accept that the case for bulk powers has not been made and that it needs an independent review. We sought to get the bulk powers taken out of the Bill until such time as a case had been made. It is possible that a case for the necessity of bulk powers will not be made. As we have heard in detail, America has recently retreated from the necessity to use bulk powers. What happens if the case for bulk powers is not made? Neither the Minister nor the official Opposition would answer that question. Because the SNP amendment to take bulk powers out of the Bill until such time as a case has been made was defeated, those powers are still in the Bill. When the independent operational case is published, it will be the House of Lords, not the Commons, that will scrutinise and debate it. I am proud to say I consider that a travesty of democracy.

There is huge public concern about the implications of the Bill. The public—our constituents—are concerned about their privacy and right to data security. It is disappointing, therefore, that the House has in effect abdicated its responsibility properly to scrutinise the Bill to an unelected Chamber. The interests of our constituents have not been well served by the system, and it simply reinforces me in my view that the interests of my constituents, the people of Scotland and the people of these islands are not always best served by the way we do things in this House.

For all those reasons, the SNP will take a principled stand and vote—[Interruption.] I know it is hard for Government Members to recognise the notion of a principled stand, but they will see one in action in about 10 minutes. For all the reasons I have outlined, the SNP

will take a principled stand, reflecting the views of many people across these islands and their concerns about the Bill, and vote against it tonight.

6.39 pm

Matt Warman: It has been my privilege to serve on not one, not two, but three Committees examining this Bill. Whether it is the Joint Committee, the Bill Committee or the Select Committee on Science and Technology, they were just three examples from a huge number and an unprecedented level of scrutiny that this hugely important Bill has received.

In the Bill Committee, on which I served with the hon. and learned Member for Edinburgh South West (Joanna Cherry), we saw a remarkably conciliatory approach from those on the Front Bench. I also thought it was a genuine privilege to be in the same room as an Opposition who took a view that went so far above party politics, because this is a Bill that is above party politics. That is because what our constituents worry about, even more than the vital privacy concerns that the SNP has persistently raised, is the threat that we face in a global and unstable world. The threats that we have seen on the Committees examining this Bill are greater than they have ever been before and they need to be tackled in a fundamentally different way from that provided for in the broken legislation that is currently in force.

I would therefore argue, and I hope the whole House would agree, that this is legislation that transcends party politics and goes beyond what we have seen from the legislation that exists today. What is demanded from us in this House is legislation that understands and is adaptable to technology that is unlike that in the world that the previous legislation was built to combat. I believe sincerely—from a principled position, I could even say—that, whether on ICRs, protection for journalists, bulk powers or bulk datasets, this Bill struggles and finds the balance that we all need to keep our constituents safe. That is why I will be voting for it this evening.

6.41 pm

Mr Winnick: I accept, of course, the changes that those on the Labour Front Bench have got from the Government—it would be churlish of me not to say so—and although I voted in all the Divisions with her, I dissociate myself from some of the remarks made by the hon. and learned Member for Edinburgh South West (Joanna Cherry), representing the Scottish National party. I am sure that those on my Front Bench work on the basis of trying to get the best possible arrangements for this measure, and I accept that.

Unfortunately, I do not accept that this Bill is necessary. It would have been even worse if the measures I have mentioned had not been included, although I suspect that the original Bill that came to us on Second Reading would still have been supported by virtually every Conservative Member. As far as I am concerned, the Bill is unacceptable. Despite the changes, it remains the position that internet service providers and others will be compelled in certain circumstances to retain every person's communication data, texts, emails and, indeed, browsing history. I find that far too intrusive and indiscriminate. It should not be part of such legislation.

It is the first time this has happened. I find it unfortunate that such a measure can be put before the House of Commons, even more so when I take into consideration what happened when the Labour Government were in office and the manner in which the Tory Opposition at every opportunity said that they had such a deep concern for civil liberties. This Bill is hardly an example of such concern.

We are told that the review of such bulk powers—which, as I have said, are totally unacceptable—is to be done by the independent reviewer of terrorism legislation. That is fine, but should it not have been done before the measure came before the House of Commons? Why should it have to wait until the Bill goes to the unelected House of Lords? Why should we not have the conclusions of any such review?

Let me say that literally no one in this House has a monopoly when it comes to wanting to prevent terrorism. All of us deplore the slaughter of innocent people—the manner in which, for example, 7/7 occurred, in which 52 people were slaughtered and so many were injured, and of course the terrorism that goes on abroad. All of us want not just to condemn such terrorism, but to take effective measures to stop it happening in Britain and elsewhere. However, I do not believe that this is the way to achieve that. If I did, I would support the Bill with no hesitation whatsoever, whether I was in the majority or the minority: that would not concern me in the least.

It is interesting to note that, as I pointed out on Second Reading, a former technical director of the United States National Security Agency—who presumably had a fair amount of knowledge of such matters—argued, in an article in *The Times*, that bulk collection simply did not work. It did not work, Bill Binney said, because dealing with such vast amounts of details defeated the purpose. He made the good and valid point that what was required was the targeting of suspects and their social network—the targeting of those who, in the eyes of the security authorities and the police, were likely to cause damage and murder in our country.

I greatly regret that I cannot support the Bill, and believe that it should be defeated. I do not know what the House of Lords will do, but if the Bill is passed there, I hope that it will incorporate amendments that will make it somewhat more acceptable. However, one thing is certain: when I look back on my many years in the House of Commons, if I live long enough to reflect on votes in which I have participated, I shall be pleased that I voted against this Bill. It will give me some satisfaction that I voted against a measure that intrudes on civil liberties on such an extensive scale.

Several hon. Members *rose*—

Madam Deputy Speaker (Natascha Engel): Order. We have 14 minutes, and about six Members wish to speak. I hope that that will be borne in mind.

6.46 pm

Mr Grieve: It is always a pleasure to follow the hon. Member for Walsall North (Mr Winnick). We have co-operated on civil liberties matters in the past, and the hon. Gentleman has shown great courage in many of the approaches that he has taken, including those to legislation when his own party was in government. I hope he will accept, however—just as I accept the principles that underpin his opposition and, indeed,

that of the hon. and learned Member for Edinburgh South West (Joanna Cherry)—that those of us who will support the Bill on Third Reading are not acting in an unprincipled fashion.

As was pointed out by the right hon. Member for Leigh (Andy Burnham), the simple fact is that this is not just some opportunistic gimmick employed by the Government in an attempt to acquire more power. The existing legislation was doing positive harm; indeed, allowing it to remain would have been far more likely to undermine civil liberties than ensuring that it was properly replaced. It seems to me that, during its passage in the House of Commons, the Bill has been immeasurably improved. I am grateful to my right hon. Friend the Home Secretary for listening and responding to the concerns expressed by the Intelligence and Security Committee and for accepting virtually all our amendments, although I recognise that we shall need to negotiate on some areas of detail.

The ISC has always taken the collective view that this legislation is necessary, and that that necessity applies to bulk powers of collection. We look forward to and will accept David Anderson's report, and will consider whether there are indeed any alternatives that might be advanced, but I have to say that, on the basis of everything that we have seen up to now, we believe that bulk powers are needed, although sensible and proper safeguards are required to ensure that they cannot be abused. The Bill contains such safeguards, and I believe that when it comes back from the other place, it will be in an even better condition. Parliament, it seems to me, has been doing its job rather well.

If I have any complaint to make about the Bill's passage, it is this: the quantity of amendments tabled on Report has rendered the Order Paper entirely inadequate. Until we have an Order Paper that marries the amendment numbers to page numbers—which is vitally needed—we shall be wasting a great deal of our time in the Chamber faffing around when we might have been doing other things. I hope that that complaint is passed on. I might even suggest that someone should consult GCHQ if there is a difficulty in finding the necessary formula on a computer to do the page numbering and the amendment numbering at the same time.

With that thought, I just want to say that it has been a privilege to participate in the passage of this Bill, and I hope that when it comes back to this House we will be able to reassure the hon. Member for Walsall North and the hon. and learned Member for Edinburgh South West that they have a piece of legislation that will actually stand the test of time and be a credit to this House.

6.50 pm

Mr Alistair Carmichael: I recall that the first Public Bill Committee on which I served was on the Proceeds of Crime Act 2002, when the right hon. and learned Member for Beaconsfield (Mr Grieve) led for the Conservatives. I seem to recall that he made the same point about the Order Paper in 2001. Despite the modernisation that we have seen over the past 15 years, it remains a piece of work that is outstanding.

My party voted against this Bill on Second Reading, and it is a matter of profound regret that I will be doing the same again tonight on Third Reading. Notwithstanding

[Mr Alistair Carmichael]

the progress that has been made, the Bill is still not yet fit for sending to the other place.

The right hon. Member for Leigh (Andy Burnham) reminded us that it was 15 years ago today that he and I were elected to this House. I have seen a lot happen in that time, and I like to think that I have learned a thing or two, one of which is that when Government Ministers and Government Back Benchers shower the Opposition Front Bench with praise, it is time to head for the hills because we are going to do something that is seriously bad and dangerous.

The first time that the right hon. Gentleman and I saw that in this House was in the run-up to the Iraq war in 2003 when the Conservatives, then in opposition, said that they would take the Government position on trust. Later on, they said, “Of course, if we had known what we know now, we would not have supported them at the time.” They could not have known then what they knew later, because they never asked the questions. It is not the job of the Opposition to take the Government’s views on trust, but that is what they are doing. I do not question their principle, but I am afraid I cannot share their judgment.

Andy Burnham: The right hon. Gentleman seems to be advocating an argument that we can only achieve progress by being oppositional or party political. Surely there are occasions when we can do more by working across the House. We have shown that on this issue and on others, such as Hillsborough and other past injustices.

Mr Carmichael: I do not need to take any lessons about working with other parties from the right hon. Gentleman. I did that for five years in a coalition Government when the Labour Front Bench could do nothing but tribally oppose.

Mr George Howarth (Knowsley) (Lab): Will the right hon. Gentleman give way?

Mr Carmichael: No, I am sorry. We have a shortage of time, so I am not taking any more interventions—*[Interruption.]* It will not be worth listening to; will the right hon. Gentleman just sit down, please?

We are told that a review is coming from David Anderson QC. We anticipate further amendments regarding the definition of internet connection records. We still await further detail on how the thorny issues of legal privilege and journalistic sources will be protected. That all adds up to a picture of massive doubt, and massive questions remain about the efficacy and necessity of the powers that the Government are bringing forward tonight. It would be an abdication of our responsibility as Opposition MPs to vote for it, and I will not be party to that abdication.

6.53 pm

Victoria Atkins: It has been my privilege to serve on the Joint Committee on Human Rights and the Bill Committee. I want to challenge gently the tone adopted just then by the right hon. Member for Orkney and Shetland (Mr Carmichael), because I felt during the Joint Committee and in Committee that the people

whom the Bill seeks to protect and those who sadly fell on 7/7 and in terrorist atrocities since were haunting me and many other members of those Committees.

Mr Carmichael: Will the hon. Lady give way?

Victoria Atkins: No, I am going to finish this point. What is more, I met the police officers and members of the security services who hold our safety in their hands, and they do that for reasons of good faith, not bad faith. I regret the tone that has been taken, but I am conscious of the time—

Mr Carmichael *rose*—

Victoria Atkins: I am not going to give way. The Joint Committee heard from 59 witnesses in 22 public panels. We received 148 written submissions, amounting to 1,500 pages of evidence. We visited the Metropolitan police and GCHQ, and we made 87 recommendations, more than two thirds of which have been accepted by the Home Office.

Mr Carmichael: Will the hon. Lady give way?

Victoria Atkins: No, thank you. The Bill Committee considered nearly 1,000 amendments, and in it the Government were led with style and eloquence by my right hon. Friend the Minister for Security and my hon. and learned Friend the Solicitor General. It was a pleasure to hear the forensic examination of the Bill by the hon. and learned Member for Holborn and St Pancras (Keir Starmer) and contributions from the hon. and learned Member for Edinburgh South West (Joanna Cherry). The scrutiny, care, considered argument and good will of those involved in the past seven months has improved this Bill. I have absolutely no doubt that it will help the security services, the police and other law enforcement agencies to protect us and to prosecute those who mean us harm. It is world-leading legislation and I commend it to the House.

6.56 pm

Dr Murrison: I certainly rise to support this measure, which has improved enormously during its passage. I cannot think of a measure in my 15 years here that has been more thoroughly scrutinised than this one. Our constituents are going to be very pleased with what we have been doing over the past weeks and months. I have to say to the right hon. Member for Orkney and Shetland (Mr Carmichael), whom I respect very much, that one thing our constituents dislike most about this place is the perpetual protest in opposition, which we hear too often, particularly from his party. It does him no good. This Bill is—

Mr Carmichael: Will the hon. Gentleman give way?

Dr Murrison: Certainly not. This Bill has been characterised by consensus, and I have been heartened by the constructive attitude that the Labour Front Benchers have taken to this measure, moving from a position of abstention on Second Reading to one of support now. It does them a great deal of credit and has made this Bill very much better. The double lock was a turning point in this measure as far as I am concerned, but may I also say that the privacy clause, new clause 5,

is essential for many of us? The Home Secretary pointed that out. We have not had an opportunity to debate it very much today, but new clause 14, on health matters, has also been particularly important for a number of us who had concerns.

Clause 222 has not been debated at great length, but again it is vital because it allows us in five years' time to come back to this measure to see what more needs to be done and what might be removed. That is particularly relevant in the context of ICRs. We have heard that one outstanding issue relates to the definition and use of ICRs, and I know that the other place will debate that at some length. My right hon. Friend the Minister for Security has referred to it and he is right to do so. I firmly believe that we will want to come back to it in any event in five years' time, as technology will have changed so much in that period.

In summary, I very much welcome this measure—it is absolutely right. I am convinced that that overwhelming majority of our constituents will be pleased with the assiduity we have applied to this measure and, in particular, with the consensual nature of our debate. It is a great measure. It will give our constituents the protection that they undoubtedly need, while safeguarding their historic liberties.

Madam Deputy Speaker (Natascha Engel): For the remaining one and half minutes, I call Suella Fernandes.

Suella Fernandes: I will be short and to the point, Madam Deputy Speaker.

I rise to speak in support of this Bill, as it is a hard-won fight for all of us, and something of which this whole House can be proud. The nature and scale of the threat that we face today differs from the one that we faced even 12 months ago, as it is rapidly evolving and complex. I am proud to have contributed to this Bill as a member both of the Joint Committee and the Bill Committee. We made more than 100 recommendations, many of which have been adopted by the Government.

It is vital for our constituents that we pass this Bill today, and it will get my vote. I wish to put on record my thanks to the Front-Bench team, which was led by the Home Secretary and ably assisted by her turbo-charged team of the Solicitor General and the Minister for Security who brought style, eloquence, professionalism and panache, and to our Government Whip, my hon. Friend the Member for Brighton, Kemptown (Simon Kirby). I am proud to support this Bill, and it has my vote tonight.

Question put, That the Bill be now read the Third time.

The House divided: Ayes 444, Noes 69.

Division No. 13]

[7.00 pm

AYES

Abrahams, Debbie	Amess, Sir David
Adams, Nigel	Anderson, Mr David
Afriyie, Adam	Andrew, Stuart
Aldous, Peter	Ansell, Caroline
Alexander, Heidi	Argar, Edward
Ali, Rushanara	Ashworth, Jonathan
Allan, Lucy	Atkins, Victoria
Allen, Mr Graham	Austin, Ian
Allen, Heidi	Bacon, Mr Richard

Bailey, Mr Adrian	Cryer, John
Baker, Mr Steve	Cunningham, Alex
Barclay, Stephen	Cunningham, Mr Jim
Baron, Mr John	Dakin, Nic
Barron, rh Kevin	Danczuk, Simon
Bebb, Guto	Davies, Chris
Beckett, rh Margaret	Davies, David T. C.
Bellingham, Sir Henry	Davies, Geraint
Benyon, Richard	Davies, Mims
Beresford, Sir Paul	Djanogly, Mr Jonathan
Berger, Luciana	Dodds, rh Mr Nigel
Berry, Jake	Donaldson, rh Mr Jeffrey
Berry, James	M.
Betts, Mr Clive	Donelan, Michelle
Bingham, Andrew	Doughty, Stephen
Blackman, Bob	Dowd, Jim
Blenkinsop, Tom	Dowd, Peter
Blomfield, Paul	Dowden, Oliver
Blunt, Crispin	Doyle-Price, Jackie
Bone, Mr Peter	Drax, Richard
Borwick, Victoria	Dromey, Jack
Bottomley, Sir Peter	Drummond, Mrs Flick
Bradley, Karen	Duncan, rh Sir Alan
Bradshaw, rh Mr Ben	Duncan Smith, rh Mr Iain
Brady, Mr Graham	Dunne, Mr Philip
Brazier, Mr Julian	Eagle, Maria
Brennan, Kevin	Efford, Clive
Bridgen, Andrew	Elliott, Julie
Brine, Steve	Elliott, Tom
Brokenshire, rh James	Ellis, Michael
Brown, Lyn	Ellison, Jane
Brown, rh Mr Nicholas	Ellman, Mrs Louise
Bruce, Fiona	Elmore, Chris
Bryant, Chris	Elphicke, Charlie
Buckland, Robert	Esterson, Bill
Burden, Richard	Eustice, George
Burnham, rh Andy	Evans, Chris
Burns, Conor	Evans, Graham
Burns, rh Sir Simon	Evans, Mr Nigel
Burrowes, Mr David	Evennett, rh Mr David
Butler, Dawn	Fabricant, Michael
Cadbury, Ruth	Fallon, rh Michael
Cairns, rh Alun	Farrelly, Paul
Campbell, rh Mr Alan	Fernandes, Suella
Campbell, Mr Gregory	Field, rh Mark
Carmichael, Neil	Fitzpatrick, Jim
Cartlidge, James	Fleelo, Robert
Cash, Sir William	Flint, rh Caroline
Caulfield, Maria	Flynn, Paul
Chalk, Alex	Foster, Kevin
Champion, Sarah	Fovargue, Yvonne
Chishti, Rehman	Foxcroft, Vicky
Chope, Mr Christopher	Francois, rh Mr Mark
Churchill, Jo	Frazer, Lucy
Clarke, rh Mr Kenneth	Freeman, George
Cleverly, James	Freer, Mike
Clifton-Brown, Geoffrey	Fuller, Richard
Coaker, Vernon	Furniss, Gill
Coffey, Ann	Fysh, Marcus
Coffey, Dr Thérèse	Gale, Sir Roger
Collins, Damian	Gapes, Mike
Colville, Oliver	Garnier, rh Sir Edward
Cooper, Julie	Gauke, Mr David
Cooper, rh Yvette	Ghani, Nusrat
Costa, Alberto	Gibb, Mr Nick
Cox, Mr Geoffrey	Glen, John
Cox, Jo	Glendon, Mary
Coyle, Neil	Goldsmith, Zac
Crabb, rh Stephen	Goodman, Helen
Creasy, Stella	Gove, rh Michael
Cruddas, Jon	Graham, Richard

Grant, Mrs Helen
 Gray, Mr James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Green, Kate
 Greenwood, Lilian
 Grieve, rh Mr Dominic
 Griffith, Nia
 Griffiths, Andrew
 Gummer, Ben
 Gwynne, Andrew
 Gyimah, Mr Sam
 Haigh, Louise
 Halfon, rh Robert
 Hall, Luke
 Hamilton, Fabian
 Hammond, Stephen
 Hancock, rh Matthew
 Hanson, rh Mr David
 Harman, rh Ms Harriet
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Carolyn
 Harris, Rebecca
 Haselhurst, rh Sir Alan
 Hayes, Helen
 Hayes, rh Mr John
 Hayman, Sue
 Heald, Sir Oliver
 Heappey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Hendrick, Mr Mark
 Hepburn, Mr Stephen
 Hermon, Lady
 Hillier, Meg
 Hinds, Damian
 Hoare, Simon
 Hodgson, Mrs Sharon
 Hollingbery, George
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Mr Adam
 Hopkins, Kelvin
 Hopkins, Kris
 Howarth, rh Mr George
 Howarth, Sir Gerald
 Howell, John
 Howlett, Ben
 Huddleston, Nigel
 Hunt, rh Mr Jeremy
 Hunt, Tristram
 Huq, Dr Rupa
 Hurd, Mr Nick
 Jackson, Mr Stewart
 James, Margot
 Jarvis, Dan
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, Boris
 Johnson, Diana
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, Gerald
 Jones, Graham
 Jones, Helen
 Jones, Mr Kevan

Jones, Mr Marcus
 Jones, Susan Elan
 Kane, Mike
 Kawczynski, Daniel
 Keeley, Barbara
 Kendall, Liz
 Kennedy, Seema
 Kinahan, Danny
 Knight, rh Sir Greg
 Knight, Julian
 Kyle, Peter
 Lancaster, Mark
 Latham, Pauline
 Lee, Dr Phillip
 Leslie, Charlotte
 Leslie, Chris
 Letwin, rh Mr Oliver
 Lewell-Buck, Mrs Emma
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David
 Long Bailey, Rebecca
 Lopresti, Jack
 Lord, Jonathan
 Loughton, Tim
 Lumley, Karen
 Lynch, Holly
 Mackinlay, Craig
 Mackintosh, David
 Mactaggart, rh Fiona
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Main, Mrs Anne
 Mak, Mr Alan
 Malhotra, Seema
 Malthouse, Kit
 Mann, Scott
 Marris, Rob
 Marsden, Mr Gordon
 Maskell, Rachael
 Matheson, Christian
 Mathias, Dr Tania
 May, rh Mrs Theresa
 Maynard, Paul
 McCabe, Steve
 McCarthy, Kerry
 McCartney, Jason
 McCartney, Karl
 McDonagh, Siobhain
 McDonald, Andy
 McDonnell, John
 McInnes, Liz
 McMahon, Jim
 Meale, Sir Alan
 Mearns, Ian
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miliband, rh Edward
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Moon, Mrs Madeleine
 Mordaunt, Penny
 Morden, Jessica
 Morris, Anne Marie
 Morris, David
 Morris, Grahame M.
 Morris, James

Morton, Wendy
 Mowat, David
 Mundell, rh David
 Murray, Ian
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Nokes, Caroline
 Nuttall, Mr David
 Offord, Dr Matthew
 Onn, Melanie
 Onwurah, Chi
 Opperman, Guy
 Osamor, Kate
 Paisley, Ian
 Pawsey, Mark
 Pearce, Teresa
 Penning, rh Mike
 Pennycook, Matthew
 Penrose, John
 Percy, Andrew
 Perkins, Toby
 Perry, Claire
 Phillips, Stephen
 Phillipson, Bridget
 Philp, Chris
 Pincher, Christopher
 Poulter, Dr Daniel
 Pound, Stephen
 Powell, Lucy
 Prentis, Victoria
 Prisk, Mr Mark
 Pritchard, Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Qureshi, Yasmin
 Raab, Mr Dominic
 Rayner, Angela
 Redwood, rh John
 Reed, Mr Jamie
 Reed, Mr Steve
 Rees, Christina
 Rees-Mogg, Mr Jacob
 Reynolds, Jonathan
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mr Geoffrey
 Robinson, Mary
 Rosindell, Andrew
 Rotheram, Steve
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Selous, Andrew
 Shah, Naz
 Shannon, Jim
 Shapps, rh Grant
 Sharma, Alok
 Sheerman, Mr Barry
 Shelbrooke, Alec
 Sherriff, Paula
 Simpson, David
 Simpson, rh Mr Keith
 Skidmore, Chris
 Slaughter, Andy
 Smeeth, Ruth
 Smith, rh Mr Andrew
 Smith, Cat
 Smith, Chloe
 Smith, Henry
 Smith, Jeff

Smith, Julian
 Smith, Owen
 Smith, Royston
 Smyth, Karin
 Soubry, rh Anna
 Spellar, rh Mr John
 Spelman, rh Mrs Caroline
 Spencer, Mark
 Starmer, Keir
 Stevens, Jo
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Streeting, Wes
 Stride, Mel
 Stuart, Graham
 Sturdy, Julian
 Swayne, rh Mr Desmond
 Swire, rh Mr Hugo
 Syms, Mr Robert
 Tami, Mark
 Thomas, Derek
 Thomas, Mr Gareth
 Thomas-Symonds, Nick
 Throup, Maggie
 Timms, rh Stephen
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trickett, Jon
 Truss, rh Elizabeth
 Tugendhat, Tom
 Turley, Anna
 Turner, Mr Andrew
 Twigg, Derek
 Twigg, Stephen
 Vara, Mr Shailesh
 Vaz, rh Keith
 Vaz, Valerie
 Vickers, Martin
 Villiers, rh Mrs Theresa
 Walker, Mr Robin
 Wallace, Mr Ben
 Warburton, David
 Warman, Matt
 Watson, Mr Tom
 West, Catherine
 Whately, Helen
 Wheeler, Heather
 White, Chris
 Whitehead, Dr Alan
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggins, Bill
 Williams, Craig
 Williamson, rh Gavin
 Wilson, Sammy
 Winterton, rh Dame Rosie
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, William
 Wright, Mr Iain
 Wright, rh Jeremy
 Zahawi, Nadhim
 Zeichner, Daniel

Tellers for the Ayes:
 Simon Kirby and
 Sarah Newton

NOES

Ahmed-Sheikh, Ms Tasmina	MacNeil, Mr Angus Brendan
Arkless, Richard	Mc Nally, John
Bardell, Hannah	McCaig, Callum
Black, Mhairi	McDonald, Stewart Malcolm
Blackman, Kirsty	McDonald, Stuart C.
Boswell, Philip	McGarry, Natalie
Brake, rh Tom	McLaughlin, Anne
Brock, Deidre	Monaghan, Carol
Brown, Alan	Mulholland, Greg
Cameron, Dr Lisa	Mullin, Roger
Carmichael, rh Mr Alistair	Newlands, Gavin
Chapman, Douglas	Nicolson, John
Cherry, Joanna	O'Hara, Brendan
Clegg, rh Mr Nick	Oswald, Kirsten
Cowan, Ronnie	Paterson, Steven
Crawley, Angela	Pugh, John
Day, Martyn	Ritchie, Ms Margaret
Docherty-Hughes, Martin	Robertson, rh Angus
Donaldson, Stuart Blair	Salmond, rh Alex
Durkan, Mark	Saville Roberts, Liz
Edwards, Jonathan	Sheppard, Tommy
Farron, Tim	Skinner, Mr Dennis
Ferrier, Margaret	Stephens, Chris
Gethins, Stephen	Thewliss, Alison
Gibson, Patricia	Thomson, Michelle
Grady, Patrick	Weir, Mike
Grant, Peter	Whiteford, Dr Eilidh
Gray, Neil	Whitford, Dr Philippa
Hendry, Drew	Williams, Hywel
Hosie, Stewart	Williams, Mr Mark
Kawczynski, Daniel	Wilson, Corri
Kerevan, George	Winnick, Mr David
Kerr, Calum	Wishart, Pete
Lamb, rh Norman	
Law, Chris	
Lucas, Caroline	

Tellers for the Noes:
Marion Fellows and
Owen Thompson

Question accordingly agreed to.

Greg Mulholland (Leeds North West) (LD): On a point of order, Madam Deputy Speaker. That was clearly an important vote, and one in which I wanted to take part. I turned up at St Stephen's entrance only to be told that I was not allowed to go through to vote, with only a couple of minutes to go, because of filming in Westminster Hall. That is completely unacceptable when clearly the primary purpose of this place is to serve our democracy. Will you use your offices to look into the event and how this happened and ensure that never again will a Member of this House be turned away from an entrance and nearly prevented from voting?

Madam Deputy Speaker (Natascha Engel): I thank the hon. Gentleman for giving advance notice of his point of order during the Division. I think that everybody shares his feeling that under no circumstances should that ever happen. I am delighted that he did make it to the Division, and that there are no further Divisions this evening in which Members could be prevented from voting. We will certainly ask the Serjeant at Arms to investigate and get back to us in order to make sure that that never happens again. I thank the hon. Gentleman for his point of order.

PETITION

**Car parking facilities at Watermead Country Park,
 Leicester**

7.16 pm

Keith Vaz (Leicester East) (Lab): The petition concerns car parking facilities at Watermead country park in Leicester. It has been signed by 146 local residents. The signatures were collected by local volunteers Nik Pattni, Kam Kanabar, Kit Kotak and Jat Parmar. I also want to thank Councillors Rita Patel, Ross Willmott and Piara Clair and other local residents for their support.

I went down to Alderton Close and saw the congestion that local residents have had to put up with. Last Sunday the situation got so bad, with those who cannot park in Watermead country park deciding to park in this quiet cul de sac, that the police had to be called. The residents therefore want urgent measures to be taken.

The petition states:

The petition of residents of Leicester East,

Declares that additional car parking facilities for Watermead Country Park users are required urgently as during bank holidays and hot days the car park capacity for Watermead Country Park is insufficient for the number of visitors to the park; further that, once the car park is full, Watermead Country Park users park on Alderton Close; further that this blocks the residents' drives and restricts the movement of cars entering and leaving the area as vehicles are backed up along the road; and further that local police have been called on numerous occasions to diffuse the situation between residents of Alderton Close and Watermead Country Park users.

The petitioners therefore request that the House of Commons urges the Government to encourage Leicester City Council to extend the parking facilities at Watermead Country Park in Leicester.

And the petitioners remain, etc.

[P001698]

Comparative Healthcare Economics/NHS Finance

Motion made, and Question proposed, That this House do now adjourn.—(*Charlie Elphicke.*)

7.19 pm

Dr Andrew Murrison (South West Wiltshire) (Con): I need to start by confessing an interest as a doctor. We are now 18 months into the five year forward view, and the big question really is: what next? “What next?” really means bringing English healthcare outcomes up to the standard enjoyed in peer group European nations, and I am afraid that means much more money. I hope that, in the next few minutes, I can suggest how we might go about achieving that.

The average age of Members of Parliament is 51. That means that most Members of this House have tipped, or are tipping, into the demographic twilight zone in which the incidence of common and chronic diseases begins to accelerate—it is sad but true. That focuses the mind on what a successful healthcare economy looks like and what it delivers for patients.

When those 51-year-olds enter the danger zone in a few years’ time, what will success look like? Success will mean accommodating the great advances in medicine that we believe we are on the cusp of achieving, and that we hope will add years to life and life to years, and I know that my hon. Friend the Minister is particularly exercised about those matters. Success will mean dealing with the healthcare needs of an ageing demographic, an expanding population, and more chronic diseases of lifestyle, which will amount to a 3% per annum uplift in demand, according to NHS England and the Nuffield Trust. Success will mean satisfying the legitimate demands of a less deferential, consumerist, better educated society that will not be content with second best. Success will mean closing the gap between healthcare outcomes here and in northern European countries with which we can reasonably be compared, and therein lies the “What next?”

In July 2010, the Government White Paper “Equity and excellence” exposed relatively poor health outcomes in the UK, compared with other countries. Our healthcare system was delivering poorer results in terms of mortality and morbidity. The most recent OECD statistics, published last year, have confirmed Britain’s relatively poor performance across pretty well the complete spectrum of common diseases—common cancers, ischaemic heart disease, cerebrovascular disease and the rest. Crucially, the number of unnecessary deaths—mortality amenable to healthcare—is substantially higher in the UK than in neighbouring countries.

However, healthcare is not just about reducing deaths. What about other measures of quality? Measures such as post-operative sepsis, pulmonary embolism, deep vein thrombosis, obstetric trauma and diabetic complications are worryingly unimpressive in the UK, compared with countries we would consider to be in our peer group. Although the teenage pregnancy rate has improved in recent years, the UK bumps along the bottom of the EU league table with recent accession states. The list goes on.

The Swedish-based and well-respected, if drug firm-funded, Health Consumer Powerhouse has been reporting on the performance of Europe’s healthcare economies

since 2005. The UK’s position in its Euro Health Consumer Index has always been mediocre, but in January the UK was ranked 14th out of 35—just above Slovenia, Croatia and Estonia, and below European countries that most Britons would regard as peers.

Jim Shannon (Strangford) (DUP): I congratulate the hon. Gentleman on bringing this matter forward. This may seem a bit like politicking, but it none the less needs to be said. There is no doubt that the Transatlantic Trade and Investment Partnership has the potential to threaten the very nature of our NHS. What is even clearer is that we are sending millions of pounds every week to the EU that could be invested in our NHS, where that money is much needed. Does the hon. Gentleman agree that there is great potential to properly resource and liberate our great NHS, were we to vote to leave the EU?

Dr Murrison: I think the hon. Gentleman and I are on the same side of the Brexit debate, and I certainly would welcome the extra money that would be spent on the NHS in the event that we leave the European Union, so fingers crossed for 23 June.

The Health Consumer Powerhouse report highlights poor accessibility and an “autocratic top-down management culture” here, in contrast to top-performing Holland’s removal of what Health Consumer Powerhouse calls “healthcare amateurs”—that is to say, politicians and bureaucrats—from decision making. Unhappily, that sounds rather familiar. Earlier this year, Dame Julie Moore slated fellow senior NHS managers for “gross incompetence” and poor leadership.

The question is, what, apart from its management, accounts for the UK’s lacklustre ranking? Despite the UK’s innovative cancer drugs fund, Health Consumer Powerhouse found, for example, relatively poor availability of the latest oncology interventions and therapeutics, including radiotherapy. Sadly, that rings true, and we remember the high-profile case of Ashya King, the five-year-old with medulloblastoma, who was taken by his parents in 2014 from Southampton general hospital to Spain and then the Czech Republic for proton beam therapy, which was not available here.

The much-vaunted Commonwealth Fund report that some use to claim that the NHS is super-efficient and effective actually contains just one element that deals directly with health outcomes—a composite of deaths amenable to medical care, of infant mortality and of life expectancy at 60, it puts the UK 10th out of 11, the US being bottom. Tenth out of 11 sophisticated healthcare economies is not where I want the UK to be, and not where the Minister wants the UK to be either. The British public would expect us to be doing rather better against a raft of healthcare outcomes where the UK is firmly in the wake of our immediate northern-European neighbours France, Germany, Holland, Belgium and Denmark.

Can we explain why UK healthcare outcomes are not as good as those of peer group nations through differences in the level of healthcare funding? We can expect an opinion from the House of Lords, which last week set up a Select Committee under Lord Patel to examine the sustainability of the NHS—that is, the “what next?” question. I would be very surprised if it did not conclude that the answer is to bring spend up to the level enjoyed in countries such as France, Germany and Holland.

After all, closing the gap with the EU15 in health spending as a proportion of GDP was a goal explicitly set in 2000. However, Conservative Members tend to be somewhat wary of making spend a proxy for outcome. It is not enough just to write big cheques and consider the job done. Can we do better with what we have? There are apologists for our low spending on health who cite the supposed efficiency of the NHS, but simply asserting that the NHS is more efficient than health services in other countries does not make it true.

I do not know what is in the Minister's speaking notes, but there is a very good chance that he will use the New York-based Commonwealth Fund analysis on comparative healthcare to support a contention that the NHS is very efficient and thus ameliorates the relatively low UK spend on healthcare. The report's methodology rewards close examination. I am sure he will have read it thoroughly, but if not, I commend it to him. In my opinion, its methodology renders the sorts of deductions that have been made unsafe. The only reliable element of the analysis that is used to claim that the NHS is relatively efficient is the percentage of national expenditure spent on administration and insurance, meaning that the UK comes in at fifth out of 11. Given that the nature of our system means that insurance and transactional costs are very low, that is hardly something to crow about. Other markers of efficiency rely on patient and practitioner surveys and include items such as time spent filling out financial transaction forms. UK-relevant metrics, such as rehospitalisation rates, were found to be comparatively poor. I conclude that it would be unsafe to make claims about the relative efficiency of the NHS based on contestable reports like that of New York's Commonwealth Fund.

Let us suppose for one moment that the NHS is fairly efficient—not very efficient, because Carter and others suggest that that would be unwise, but fairly efficient. Indeed, I have no reason to suppose that it is institutionally profligate. If it is fairly efficient, we will not be able to squeeze many more efficiencies from it beyond the Stevens assumptions, but we will still be left with relatively poor outcomes and still needing to know “what next?” Simon Stevens still believes that we can squeeze £22 billion in efficiencies from the NHS. Much of this, presumably, is predicated on productivity gains that are contingent on holding down salaries and wages—a challenge if incomes in the economy rise. This is what I think he means by “strong performance”—strong indeed, because the implied productivity gains of 2.4% are well in excess of anything that has been achieved by the NHS historically and well beyond expectations for the wider economy. It also depends on sustained spending on social services and public and preventive health. Both, in the event, have been impacted by cuts to local government funding—cuts that I supported and accept were entirely necessary to repair the public finances, but cuts nevertheless.

So “what next?” will inevitably mean a step change in input—in money—if not by the end of the five year forward view period, then without doubt during the next decade and beyond. Here again, it is instructive to look across the channel, where we find some good news for Ministers. The Office for National Statistics has just tweaked its approach to health accounting to comply more closely with that of the OECD, and obligingly, this increases the UK's spend on public and private healthcare combined from 8.7% of GDP to 9.9%. Most

of this is due to re-badging a slice of publicly funded social care as healthcare spend. Of course, none of this accountancy changes by one penny the amount spent on care, but it impacts on the international spending league table. It means that we overtake southern European countries such as Spain, Portugal, Italy and Greece. However, we still lag well behind Germany, France and the Netherlands—my chosen basket of similar European countries.

So what next? Data from the Kings Fund and the Institute for Fiscal Studies suggest that income tax must rise by at least 3p in the pound simply to offset the fall in NHS spending as a proportion of GDP predicted over the rest of the decade. But all that will do is arrest the UK's relative downward trajectory towards being the sick man of Europe. To bring spend up to the EU15 average would now involve an 8p increase. That eye-watering sum may be toned down a little bit by the new Office for National Statistics method for calculating healthcare spend, but probably not greatly if the comparison we actually want to make is with our closest European neighbours France, Germany and the Netherlands.

So, if we accept that big fistfuls of money are needed, the question becomes, “How are we to get it?” The Labour party does not know. It has yet to say how much it thinks the NHS budget should be, despite every encouragement from me and others to do so. All we know is that the party opposed the Stevens uplift at the general election. Maybe the unaccustomed reticence about pledging money from the party of fiscal incontinence is an indication of the sheer scale of the spending challenge that even Labour has perceived in a rare lucid moment.

Although I have every confidence in my right hon. Friend the Chancellor, a precipitous growth in the economy seems unlikely, and further borrowing should not be an option. In fact, half the £350 million per week that we send to the EU—a figure, net of rebate and subsidy, that I personally rely on—would, by my reckoning, halve the difference. I fervently hope that it will be in play after 23 June, but it would still leave a gap. How will that gap be closed? It is said that if we want a social healthcare system, we must choose between Bismarck and Beveridge. For my part, I cannot see how the transaction costs implicit in insurance-based models or large-scale schemes of co-payment would improve productivity or efficiency in our NHS—this despite the fact that the UK healthcare economy is distinguished from others by the small scale of its private provision.

For me, the Bismarck versus Beveridge debate is pretty much settled. However, I would expect a commission to examine all possible funding streams, drawing on experience from other countries. I would expect it to look closer to home at incentives that can be given to encourage subscription to mutuals, such as the Benenden Healthcare Society, formed in 1905 by and for Post Office workers, whose headquarters in York I visited recently.

But affirming that the great bulk of healthcare in the UK should continue to be funded through general taxation does not just mean more of the same. A variable hypothecated tax would be an easier sell to the public than a general tax hike. Treasury officials, of course, hate hypothecation, but the Treasury has been softening its approach in recent years and we are now, of course, wedded to the far less economically literate practice of hypothecated spend as a proportion of GDP for selected

[*Dr Murrison*]

areas of public expenditure. Despite the Treasury's reluctance, if we are talking about several pence in the pound to bring UK health spending up to the average of neighbouring similar countries, we have to find a politically acceptable and publicly palatable way of doing so. Either way, gathering a consensus on this most sensitive and complex of public policy areas, using a vehicle on a spectrum from royal commission to non-departmental public body, surely makes sense. As a model, may I suggest the influential Pensions Commission, chaired by Adair Turner, during the last Labour Government?

If the NHS is the closest we have to a national religion, its critical friends are often seen as heretics. We saw that even at the height of the Mid Staffs scandal. How, then, are we to uphold this rallying point for national morality, decency and righteousness with the more prosaic imperatives to save and lengthen life, make sick people better, prevent ill health and match health outcomes in comparable countries? I hope that the Minister will agree that the proposal for a commission and associated national conversation—made by me and others in this House, in the other place and elsewhere—has merit. I warmly congratulate Ministers on successfully arguing the NHS's corner at a time of austerity. However, I urge the Government to give serious thought to establishing a commission that will examine how we can properly and sustainably fund healthcare and close the widening gap that exists between us and our European neighbours.

Jo Churchill (Bury St Edmunds) (Con): I do not think that a commission is the right way to go, but does my hon. Friend agree that we sit on a new horizon, with molecular diagnostics, personalised medicine and so on, and that it is really important that we take a broader look at what our healthcare needs will be in future and how we can embrace more self-responsibility and new techniques for ensuring good patient outcomes? I said in this place in 2010 that we were lagging behind; sadly, we still are.

Dr Murrison: My hon. Friend is absolutely right: we are lagging behind. I hope that in the course of my remarks I have made it very clear that we are lagging behind countries with which we can reasonably be compared, particularly Germany, France and the Netherlands. The challenge is to bring our spend up to that level and to anticipate new developments and technologies. We should welcome that, because it will extend our lives and it will make us healthier for longer, but we do have to decide where the money will come from. Since the sums, I fear, will be so great, I believe that a commission would be a reasonable way to approach this matter and to have the conversation with the public about how the money will be raised.

The sands are fast running through the five year forward view hourglass. I believe it is time for Ministers to consider, "what next?"

7.36 pm

The Parliamentary Under-Secretary of State for Life Sciences (George Freeman): I thank my hon. Friend the Member for South West Wiltshire (Dr Murrison)—my honourable and clinical friend—for bringing this debate

to the House. I am only sorry that there are not many more people here this evening, because this subject goes to the heart of the prosperity, sustainability, health, wealth and resilience of our economy and society in the 21st century. I am very grateful that he has raised it.

This subject raises, and my hon. Friend has raised, a number of important issues. I start by pointing out that our ability to fund the NHS is profoundly based on our ability to run a strong economy. Without getting distracted into discussing the merits of the case for Brexit, I would just say that it is very difficult to find any serious commentator who thinks that leaving the European single market would be good for our economic growth prospects. It would therefore have a direct impact on our ability to fund the NHS.

My hon. Friend made a number of important points. He rightly flagged up the importance of outcomes not inputs, and said that we should be driven not by inputs, but by outputs. He spoke of a better use of existing budgets, as well as the need for new money. He mentioned the importance of new care pathways that are changing the way we diagnose and treat disease, and indeed prevent disease in the first place. He also spoke of the importance of technology and productivity in allowing us to get more health for every pound that we spend. The mission that I am delighted to say sits at the heart of the new portfolio that I hold as the first Minister for Life Sciences is to accelerate the uptake of innovation in our healthcare system to help us deliver more health for every pound, and to generate more pounds from our life sciences and health technology sector to help pay for our growing health costs as a society.

My hon. Friend touched on the fact that we have always had a mixed healthcare economy in this country—a mixture of public funding, charitable funding and some private funding. That mixed economy is mirrored across Europe, with different countries having different balances. He raised the equally important issue of health and care integration, and how as an ageing society we can tackle that challenge.

In the short time available, I want to say something about international health comparisons, which my hon. Friend raised, health outcomes and what the Government are doing. He mentioned the 2010 Government White Paper, "Equity and excellence: Liberating the NHS", in which it was acknowledged that more needed to be done to improve health outcomes in comparison to other countries. It stated:

"Compared to other countries...the NHS has achieved relatively poor outcomes in some areas. For example, rates of mortality amenable to healthcare, rates of mortality from some respiratory diseases and some cancers, and some measures of stroke have been amongst the worst in the developed world."

I do not shy away from that. We are in the process, with NHS England, of gripping those issues.

It is true that the NHS has, at times, scored relatively poorly on being responsive to particular patient groups. We have had problems with MRSA that were worse than the European average. There is some international evidence that shows that we have much further to go on managing care more thoroughly. For example, the NHS has had high rates of acute complications of diabetes and avoidable asthma admissions.

I do not for a minute come here tonight to pretend that everything is perfect. But the truth is that it is difficult to compare like for like, as all healthcare systems

are different and there are many ways to compare them. For example, the OECD's latest report on amenable mortality rates shows that the UK has average rates of amenable mortality in the OECD, and is not among the worst in the developed world, as has been suggested at times. The NHS has been ranked first overall in the Commonwealth Fund report. I accept my hon. Friend's point about the report only measuring certain factors, but on quality, access and efficiency the NHS was ranked the No. 1 system in the world—I do not deny that scope for improvement was flagged in outcomes and healthy lives.

On the latest OECD data, for 2013, it is true that total health spending in the UK, inclusive of public and private spend, at 8.5% of GDP is lower than the EU15 average of 9.5% of GDP, but it is around the same as the OECD average of 8.9%, and the UK delivers above average health outcomes for an average level of expenditure within the OECD. The majority of UK health funding is through general taxation. Reviews of the evidence have shown that using general taxation as the main mechanism for healthcare funding is still fairest and most efficient. That raises the long-term point that my hon. Friend is flagging, which is that we need to think about how we want to fund the levels of healthcare that our ageing society is likely to need.

The OECD has said that no broad type of healthcare system performs systematically better than another in improving a population's health status in a cost-effective manner. In his 2002 review, Derek Wanless concluded, interestingly:

“Private funding mechanisms tend to be inequitable, regressive (those with greater health needs pay the most), have weak incentives for cost control, high administration costs and can deter appropriate use.”

For that reason and many others this Government are absolutely committed to funding the NHS through the existing mechanism to the highest level we can afford as a society.

On health outcomes, I want to flag in particular the point my hon. Friend made about cancer. Cancer survival rates are at a record high and continue to improve, as shown by the latest figures from the Office for National Statistics in February this year. We know that we have to continue to do better. Every other country is improving, and technology is changing; that is why the independent cancer taskforce report, “Achieving World-Class Cancer Outcomes. A Strategy for England 2015-2020”—published to wide acclaim in July 2015—has pulled together a consensus from the whole cancer community. That strategy sets out a number of important measures that we are committed to and are seeing through: a radical upgrade in prevention and public health; a national ambition to achieve much earlier diagnosis; establishing patient experience on a par with clinical effectiveness and safety; and transforming the way we support people living with and beyond cancer, as there are now 850,000 people living with cancer.

New drugs on the horizon offer the prospect of actually curing cancer in some patients. That is an extraordinary breakthrough, and we are making the necessary investments to embrace genomic personalised cancer services in the NHS and ensure that commissioning, provision and accountability processes are brought up to date and are more fit for purpose. At the heart of all that is the need to adapt to the new drugs coming

through, which is why I have launched the accelerated access review to look at the way in which we assess, adopt and reimburse new medicines, and unleash the power of our NHS to provide data and genomic insights to drive the increasingly personalised and precision medicines that the cancer community is producing.

I do not want to pretend that the issues my hon. Friend has raised are not real. They are real, for a number of reasons, not least our rising population. By 2030, England's population is forecast to reach 60.2 million, a rise of more than 6 million from 2015. Over the same period, the number of people aged 85 and over is expected to grow by more than 74%, an increase of 1 million from 1.3 million to 2.3 million. That puts huge pressure on our system of both health and care, and speaks to the importance of integration. That is why we have supported NHS England's own five year forward view—its own action plan; I am sure that, like me, he welcomes the fact that as a result of our reforms NHS England's clinical and professional leaders are now able to set out their requests for how they want to manage the system, and we fund them and hold them to account in doing that. It has put in place a number of important mechanisms to change the models of care and to update how the system treats those key chronic diseases. If those services continue to be provided under the old model of 1947—silo care—they will put unsustainable pressure on our system.

NHS England is putting in place a range of measures, including the new care model vanguard sites—there are 50 of them around the country—and the Carter report on procurement. We are improving clinical commissioning group performance through the Right Care programme. We are putting in substantial extra money, including £2.1 billion in the sustainability and transformation fund, £4 billion for technology and the digitisation of the NHS, and billions for new drugs.

Crucially, we need to upgrade how the system diagnoses and treats so that we can liberate people from the 20th-century model of heavy dependence on the state system to provide healthcare at its convenience, where people queue to receive healthcare. We want to move to a system in which people can live with and manage diseases better from home and be productive citizens in the economy and society. A huge amount of work is happening on new care pathways.

Integration was at the heart of my hon. Friend's speech. We need to develop a health and care system in which we recognise that, particularly for the elderly, health and care need to be seamless. In our system today, they are not. That is why we have set up the better care fund, and given local authorities the freedom to raise extra money through the local care precept, which will in itself put £3.5 billion extra into supporting care, including £500 million for disabilities facilities, which will prevent 8,500 people from needing to go into care homes.

We are putting the money in to try to support local health and care integration, but we want to go further and faster, which we must do as a society and economy. We do not want to impose top-down solutions; we want to create situations in which local health economies can adopt the right mechanisms and the right processes for them.

In this Parliament, we have responded to NHS England's leadership's requests. It set out clearly before the election its five year forward view and forecast that, by 2020, we

[George Freeman]

would be looking at £30 billion of extra health costs, of which it said £22 billion would be avoidable with technology, transformation, better care models, digitisation, smarter and remote diagnostics, and more people being empowered and enabled so that they would not have to present at GP surgeries and hospitals so often. We have backed that plan. It asked for £8 billion a year, but by 2020 we will give it £10 billion. We have front-loaded that with £3.8 billion in 2016-17, the £3.5 billion for social care and the £4 billion for technology. Nobody can say that the Government have not put their money where the NHS's mouth is. The NHS said that that is what it needed, and we have provided it.

In giving succour to the idea of a royal commission, I would not want to undermine that very important settlement, but I recognise that the points my hon. Friend has raised go to the heart of the big health and care debate we need to have as a society. The Government

do not believe that a royal commission is the right solution, but I support the debate and want more of us to have it locally.

In the end, all hon. Members know that it is in their local health economies that the leaders who can crack this problem for us exist. We need to incentivise them. That is why the devolution plans and the integration of devolved budgets, and the measures we are considering to incentivise local health economies—we want not to reward them through tariffs for the treatment of disease, but to reward them for the prevention of disease—are so exciting. Ultimately, they provide the basis for optimism in the long term. We need to get more out of the money we spend as well as raise more money as a society. I am grateful to my hon. Friend for raising this important issue.

Question put and agreed to.

7.49 pm

House adjourned.

Westminster Hall

Tuesday 7 June 2016

[ANDREW PERCY *in the Chair*]

Support for Life-shortening Conditions

9.30 am

Stuart Andrew (Pudsey) (Con): I beg to move,

That this House has considered support for children and young people with life-shortening conditions.

Mr Percy, may I say what a pleasure it is to serve under your chairmanship for the first time? [HON. MEMBERS: "Hear, hear."]

Prior to entering Parliament, I spent most of my working life in the hospice movement, with both adults and children. I worked in hospices, including Hope House in Oswestry; East Lancashire hospice, which cares for adults in the east Lancashire area; and Martin House children's hospice, which cares for children in the Yorkshire area. During that time, I saw children and their families at their most vulnerable, looking for any kind of solace in what are probably the most challenging circumstances that any of us could possibly imagine.

In my 14 years working in the sector, I saw the hospice movement adapt and grow to meet the needs of children and young people as medical technology and provision developed. That growth was achieved by listening and putting the patients first at all times. However, unfortunately, there are still cases across the broader palliative care sector where that does not always happen, and that is why this debate is so important. There are currently 49,000 children and young people—and the number is rising—living in the UK with life-shortening conditions.

Nick Thomas-Symonds (Torfaen) (Lab): It is a pleasure to serve under your chairmanship, Mr Percy. I congratulate the hon. Member for Pudsey (Stuart Andrew) on securing such an important debate. He just quoted a statistic. Does he agree that data collection is one of the most important factors? Robust data collection is needed so that we do not underestimate the number of children who are suffering from life-shortening conditions.

Stuart Andrew: The hon. Gentleman makes an important point, which I will come to later.

Some 49,000 children and young people are living with conditions that are life shortening, by which we mean conditions for which there is no reasonable hope of a cure and from which most of those young people are expected to die. The conditions can include conditions for which curative treatment may be feasible but can fail, as is often the case with cancers or congenital heart diseases; conditions for which premature death is inevitable but where there may be prolonged periods during which the child is well, such as Duchenne muscular dystrophy; progressive conditions such as Batten disease, without any curative treatment; and irreversible, but non-progressive, conditions that cause severe disability, leading to susceptibility to health complications and premature death, such as severe brain injuries.

The number of young people affected by one of those four categories of condition is equivalent to one child in every single school, and 50% of the 5,000 children who die in the UK each year will have one of those conditions. Of course, the number of people affected in other ways is much higher. Parents, siblings and other family members and friends can bring the number close to 400,000 people, which equates to more people than the population of the city of Leicester.

The 49,000 children and young people need palliative care from the point at which their condition is diagnosed or recognised—often at birth—until the end of their lives. There is an entire package of outcomes that good palliative care should achieve, which is quite different from that which adults receive given that children often need care throughout their entire life. Good care should meet children's physical, social and emotional needs, enhancing their quality of life to ensure that the child and their family can come to terms with such life-altering issues.

David Simpson (Upper Bann) (DUP): I congratulate the hon. Gentleman on obtaining this important debate. I am sure that many people here will have come into contact with children with such difficulties. Does he agree—he touched on this point—that more psychological help is needed for the parents, especially when the children are approaching the time of death? It is a very difficult time. There need to be very quick results. Help is needed for the parents as well.

Stuart Andrew: I absolutely agree. During the time I spent in the hospice movement, I learnt that those final few weeks are incredibly distressing. None of us can possibly imagine what it is like unless we have been through it. The support for the parents and the wider family is what makes much of what happens in the children's hospice movement such a success.

The care must be age appropriate—suitable for a child's particular stage of development—and administered by people who have the exact skills needed to get the person through their care pathway. A comprehensive local children's palliative care service spans health, social care and education. Joint commissioning is vital and should be accessible 24/7, 365 days a year, from diagnosis to bereavement. As a result of the complexity and severity of patients' needs, the transition from children or youth services to adult services can be particularly daunting.

Mr Robin Walker (Worcester) (Con): I am grateful to my hon. Friend for securing the debate and for the well-informed points he makes. Is it not the case that improvements in medical technology mean that more children with life-limiting conditions are transitioning into adulthood? Therefore, we have a real duty of care to ensure—as Acorns Children's Hospice in my constituency is doing—that we find the best pathways to support those people into adulthood and to give them the best chance of living a quality life with the time that they have.

Stuart Andrew: My hon. Friend is right. I saw great advances throughout my time in the hospice movement. When I first joined Hope House, the life expectancy of the children who suffered from Duchenne muscular

[Stuart Andrew]

dystrophy was usually no longer than 18 or 19. By the time I had finished my career in the hospice movement, some were living into their late 20s and possible even their early 30s. Transition is incredibly important for them, because often the style of care provided is geared more towards the older generation than to young people.

Transition is incredibly important and centres such as Martin House, which I worked for, understand that. It built Whitby Lodge, a dedicated unit for teenagers and young people, which has state-of-the-art equipment designed to enable social interaction through things such as a mini nightclub—something that we all take for granted. As well as caring for children and young people in the hospices, members of the care team supported the family in their home. Even after a child has died, help is provided in the form of bereavement care for family members.

Transitioning to other services can sometimes present real difficulties. From dealing with new agencies and professionals, to transitioning to a completely different plan, the result can create quite severe gaps in service provision. The impact is, frankly, quite shocking, with 36% of families breaking down, 64% of mothers and 24% of fathers having to give up work entirely, and nearly 70% of siblings being bullied or feeling isolated at school.

All that can create a cocktail of problems that leads families into poverty. Therefore, at all times, it is vital that locally available, community-led children's palliative care is at the heart of the service provision. These kinds of services are, thankfully, easier to find than they once were due to local offers and organisations such as Together for Short Lives, which provide directories of available services. That is just one example of how provision has changed since I began working in the hospice movement.

I will never forget seeing families, drained and exhausted, arriving straight from work or school on a Friday, the colour drained from their faces with no fight in them, dragging bulky equipment around in their car, when all they wanted to do was what we all like to do—go out for a simple meal on a Friday night. Great palliative care allows those families to have short respite breaks, the importance of which really cannot be overstated, because it provides support to everyone in the family. With the number of children and young people with life-shortening conditions increasing, it is becoming harder for the Government, the NHS and local councils to budget enough to meet those families' needs, given that the number of people with such conditions is not being monitored, as the hon. Member for Torfaen (Nick Thomas-Symonds) mentioned. The complex care that such families need from multiple agencies and professionals is not joined up enough, and families have to fight with their last ounce of strength to get the services they need. I therefore ask my right hon. Friend the Minister what can be done to ensure that the number and needs of children and young people with life-shortening conditions are more accurately monitored.

Funding for voluntary sector providers of children's palliative care is not being provided fairly or sustainably. It is limited to medical elements of care and does not include crucial non-clinical elements such as short breaks and bereavement support. Together for Short Lives expects

to publish soon the results of a series of freedom of information requests it has made to clinical commissioning groups and local authorities. Those results will show the extent to which different elements of care are being commissioned, and I hope that colleagues from across the country will use those data to see how their own constituents' care is performing.

Before that, I ask the Minister whether he can set long-term plans for funding children's palliative care fairly, sustainably and in a way that reflects the growing demand for such services. Additionally, will he work with his colleagues to write to CCGs and local authorities to make it clear what their responsibilities are in commissioning palliative care? Local authorities have a duty to provide short breaks for disabled children. However, they are cutting funding for short breaks at a time when demand from seriously ill children is increasing. The Government and local authorities, of course, face a difficult situation in balancing budgets, and I fully understand the need for that to happen, but at the spending review the Government gave councils the ability to raise more money for adult social care through council tax. Children's social care was left out and I struggle to understand why, so I would appreciate it if he expanded on that. Additionally, will he hold local authorities to greater account for the money they spend on short breaks for disabled children and ask them what action they are taking to secure access to such breaks?

As I have mentioned, without access to specialist adapted vehicles, which many families need and many of which I saw, families are unable to transport their seriously ill babies and young children to and from hospital. That often traps those babies and young children at home or in a hospital bed, preventing them from enjoying the things that we all take for granted. Children under three with life-shortening conditions are not currently eligible for the mobility component of disability living allowance, so will the Minister work with his colleagues in the Department for Work and Pensions to change the eligibility criteria so that nought to three-year-old children with life-shortening conditions, whose lives will end without heavy and bulky medical equipment, can have access to such important vehicles?

Mr Gregory Campbell (East Londonderry) (DUP): Does the hon. Gentleman agree that that single gesture would do more to transform the lives of many families than all the recommendations and assurances that we all want to give those families?

Stuart Andrew: I certainly agree. As I mentioned earlier, it was staggering to see the smallest child come with so much equipment to keep them alive. Larger vehicles enable such families to do the things that every family likes to do, for example to go out for the day. The lack of such a vehicle often creates more isolation for the siblings I mentioned a moment ago.

Mark Durkan (Foyle) (SDLP): Further to that point, does the hon. Gentleman agree that, given the sensitivity of the issue, as he has laid out so well, it is terrible that the basic message to those families who have a child with a life-shortening illness is that the reason they cannot get that support is that the child is not old enough? That is a perverse message for those families.

Stuart Andrew: I take that point entirely. In this debate I want the issue to be considered carefully, because it seems perverse for a child to be too young to get the support they really need.

Medical advances thankfully mean that more young people with life-shortening conditions are living into adulthood. That should of course be celebrated but, as I have said, the transition from children's services to adult services can be daunting and is often not joined up. There is currently a distinct lack of age-appropriate and developmentally appropriate palliative care services to meet the growing demand, so again I ask the Minister whether he will look into providing seed funding to voluntary sector organisations so that they can set up age-appropriate services for young people transitioning from children's services to adult services.

I end by paying tribute to all the organisations, including Together for Short Lives, and all the people who were involved with Children's Hospice Week a couple of weeks ago. Those dedicated people are really quite superb. I could never have done my job at Martin House or at Hope House without their tremendous effort. Their reputation helped us to raise the money we needed, and we should all pay tribute to the tremendous work they do. I hope that today's debate will mean that we can all work together so that things can change for those 49,000 children and young people who are battling with the most difficult issues that we could possibly imagine.

Several hon. Members *rose*—

Andrew Percy (in the Chair): Five people wish to speak, which works out at about 8.6 minutes each—not that I have used my calculator. This is an important debate, and it is important to get everyone in before I call the first of the Front Benchers at half-past 10.

9.46 am

Jim Shannon (Strangford) (DUP): It is a pleasure to speak in this debate. I congratulate the hon. Member for Pudsey (Stuart Andrew) on clearly outlining the case and how we all feel about this important subject. I apologise in advance for not being here to hear the shadow Minister and the Minister—I have apologised to them both. I have to attend the Select Committee on Defence, otherwise I would look forward to hearing what they have to say.

This issue is important to me, as it is to the hon. Member for Pudsey and others in the Chamber, which is why we are here. We are here to represent our people and their viewpoints on issues that they want to be debated. There are Members here with personal stories, some of which we have heard before, and I look forward to hearing some of those stories again.

Life-shortening conditions are those for which there is no reasonable hope of cure and from which children are expected to die, or for which curative treatment may be feasible but can fail. Children with life-shortening conditions need continuing palliative care throughout the trajectory of their illness. As I always do in Westminster Hall and in the House, I will give a Northern Ireland perspective. The Minister knows that health is a devolved matter in Northern Ireland, and I will therefore add to the debate and the knowledge we all have by addressing

some of the positive things we are doing in Northern Ireland. By sharing knowledge from across the United Kingdom of Great Britain and Northern Ireland we have an opportunity to enhance and enrich our lives and to help ourselves to do things.

In Northern Ireland alone there are currently estimated to be some 1,300 children and young people living with life-shortening conditions. Many of those children have extremely complex and unpredictable conditions, and they are under the pressure of requiring round-the-clock care seven days a week. Due to medical advances and improved care, that prevalence is growing and more of those children are living into adulthood.

The hon. Member for Pudsey and my hon. Friend the Member for Upper Bann (David Simpson) referred to families and how important it is for children under pressure and in need of medical assistance to have family support. It is about their parents, their siblings, their grandparents, their family circle and their friends coming together to give support and help at the right time. Because the proportion of young people and children in the Province with life-shortening conditions is less than 1%, people might be inclined to believe that they are an underfunded and perhaps neglected section of the population, but fortunately they would be wrong. More can always be done, but in Northern Ireland the work to support young people and children affected by life-shortening conditions has been positive and is ongoing.

Health may be a devolved matter, and this debate may be most pertinent to NHS England, but such conditions affect British children across the whole United Kingdom of Great Britain and Northern Ireland, and it is therefore important to make such points. It is important to link the work of Government institutions across the United Kingdom to determine what is best practice and what is not, and to share ideas on the way forward. Hopefully this debate will give us an opportunity to do just that.

David Simpson: We have discussed palliative care. Does my hon. Friend agree that it is important that complete, wrap-around palliative care is given to those affected? What happens to children with life-shortening illnesses post-19 has been an issue across the whole United Kingdom for far too long, and we need to address it.

Jim Shannon: My hon. Friend has hit on the kernel of the issue.

We need to exchange medical advances among all regions of the United Kingdom. We want to ensure that we in Northern Ireland have information about what is happening in London, Scotland, Cardiff or wherever it may be. I also want to put on the record my thanks to all the doctors, nurses and consultants involved, and to all the other people who genuinely, consistently, honestly and energetically give their time for the children affected. I have some constituents who have attended Great Ormond Street children's hospital, not only for life-threatening conditions but for life-changing ones, and we thank everyone for what they do.

Mr Robin Walker: May I add to that list hospital chaplains, who play an important role in supporting bereaved relatives of all religions and of none?

Jim Shannon: That is absolutely right. It is so important in a time of physical, emotional and spiritual need.

Although it is critical for the Government to provide appropriate support, non-profit organisations and charities are often the most innovative and forward-thinking, because they are made up of people who are motivated and dedicated to making a difference. The Government need to resource those people properly so that their efforts can bear fruit and those affected by their work can receive the benefits of such support.

The hon. Member for Pudsey referred to the changes in disability living allowance. I will not repeat his words, but I wholeheartedly support what he said. How important it would be if we had a realistic disability living allowance system in place for those from nought to three, as well as from three onwards. It would only be a small change. The Minister knows that I respect him greatly—he is responsible and positive, and others want to hear from him today—and I say respectfully to him that he could use his position to make that change. It would make a hands-on difference, as my colleague the hon. Member for Foyle (Mark Durkan) said earlier.

Northern Ireland Children's Hospice and Together for Short Lives are just two of the many organisations that make a difference in Northern Ireland. I commend them for their efforts not only to provide support for young people and children with life-shortening conditions but to research and produce realistic and helpful ways forward. They make a positive contribution.

I will quote testimony from an anonymous parent who went through palliative care for their young child in Northern Ireland. It sheds some light on what the experience can be like for normal, everyday people in the unfortunate position of having to live through such circumstances:

“Having had a child born with very complex needs, we found ourselves in the horrendous position of spending the first and last seven months of our child's life in a neonatal unit and children's ward. Our daughter was only able to come home for two separate days during this period. This involved ambulance transportation and two nurses. The process of getting her home for good was so complex and arduous it could not be completed before she died. Although hospital staff were brilliant, a busy general ward is not appropriate for end of life care.”

That puts things into perspective and reminds us that we are dealing with real people's lives in this House. What we do and say has an impact on people across the country.

The same charities that I mentioned earlier have published a set of recommendations for the Northern Ireland Assembly—it has responsibility for the issue, and the Minister has recently changed—that will, in their view, transform the lives of children and young people with life-shortening conditions. Among the seven recommendations are calls for a dedicated children's palliative care consultant in Northern Ireland, improved access to multidisciplinary services for children who need palliative care and high-quality planning to support young people as they transition to adult services. Although we are doing those three things in Northern Ireland, if they were in place here on the mainland as well, it would be a step in the right direction to improve things.

Critically, the recommendations also call for a fully funded children's palliative care strategy for Northern Ireland, which would address many of the core gaps and provide a framework for appropriate and consistent

children's palliative care services for every family who needs them in Northern Ireland in the future. In Northern Ireland at present, a growing number of doctors, paediatricians and GPs are interested in children's palliative care and are gaining vital knowledge and experience every day. However, the number of senior paediatricians with the necessary qualifications to be considered expert remains in the single figures.

The recommendation for Northern Ireland—again, I hope it will happen on the mainland as well—is to have a regional consultant. That is vital, but just one consultant for Northern Ireland would not be enough. A better option would be to have two part-time consultants who could overlap in looking after patients. It would mean that someone would always be available, 52 weeks of the year.

Mr Percy, I realise that I have overstepped my time, and I apologise. I will end with these two paragraphs. We know all too well that the purse strings have been tightened, but those are just a few of the ideas put forward by people working on the front line. They are the ones who know best, the ones closest to the reality of palliative care for young people and the ones who must live and work with the medical and financial implications of Government policy. They are the ones we need to listen to if we wish to make the difference that I think everyone in this Chamber, this House and across the whole United Kingdom of Great Britain and Northern Ireland wants.

No child should have to suffer as a result of being diagnosed with a condition through no fault of their own, and no family should have to live through such suffering. We are in a position to make a difference. If national Government liaise constantly with charities and those affected, surely progress is possible.

9.56 am

Rebecca Harris (Castle Point) (Con): I congratulate my hon. Friend the Member for Pudsey (Stuart Andrew) on instigating this debate. Life-shortening illness is an issue that many hon. Friends will have experience of from their surgeries; it is invariably moving and humbling.

I felt driven to speak in this debate because of a constituent of mine, a truly inspirational young woman called Lucy Watts. Lucy is 22 and suffers from a rare genetic condition called Ehlers-Danlos syndrome—I hope that I have pronounced it correctly—with life-limiting complications. It has left her disabled and wheelchair-bound since she was 14. She is hooked up to intravenous drips almost 24 hours a day and is largely bed-bound.

Nevertheless, Lucy does not allow her illness to rule her. She is a writer, a speaker, a charity ambassador and trustee, a blogger, a patient-leader and a spokesperson. She has appeared in filmed and recorded work, including on TV and the radio, campaigning for young people with life-limiting disease. Lucy was awarded an MBE by Her Majesty in the new year honours list—all this at 22, and with a life-shortening illness. Those are achievements that many of us could not hope to realise in an entire lifetime. I am immensely proud of Lucy, and I urge hon. Members to take time to visit her amazing website, “Lucy's Light”.

As chair of the all-party parliamentary group on brain tumours, I know too well the dreadful impact of severe illness on younger people and their loved ones, as

brain tumours are the largest cancer killer of children and young people under 40. Only a few weeks ago, we had a debate in this Chamber highlighting the impact of brain tumours and the fact that they receive only about 2% of research spending, despite their effect on reducing lifespans.

Through Lucy, I have also been introduced to the work of the charity Together for Short Lives. As has been said, the charity does incredible work with young people such as Lucy who are diagnosed with life-threatening illnesses. Unfortunately, but understandably, our society often feels uncomfortable discussing sick and dying children. Of course it is uncomfortable; as a mother, I can think of no greater horror. We would like to brush it aside and not focus on it, but we cannot afford to ignore the topic. My parents lost an older brother of mine, so I know some of the impact of being with and losing a sick child. It lasts a lifetime, and it affects the whole family.

Lucy has been keen to make it clear to me that young people desperately need care packages that bring together all three services—health, social care and education—in an age-appropriate way. I am glad to see that we are making some steps towards reforming the health and social care mix in this country, but much more needs to be done, and much faster.

A recent study suggests that the figure of 49,000 children and young people across the UK with life-shortening conditions could be underestimated by as much as 50%. The current population is not being adequately recognised, supported and funded by local authorities and clinical commissioning groups. The research suggests that a further 25,000 children and young people are effectively being ignored. In addition, that is reflected in the policy environment, where too often children's palliative care needs are inappropriately coupled with those of adults. Children's needs are much more complex, and must focus on quality of life as well as quality of death.

As we know, two weeks ago it was Hospice Care Week. Hospices are lifelines for families such as the Watts family. The work of hospices, such as Little Havens hospice in Daws Heath in my constituency, is invaluable for those who need support and advice. However, as Lucy has found, a children's hospice such as Little Havens is not geared up to support a young adult and nor is the local adult hospice, meaning that Lucy is forced to travel from Essex as far as Winchester, despite the complications and difficulties of her illness, to access age-appropriate hospice care. That cannot be right.

I am proud that the Conservative-led Government ensured that there was a £60 million boost for hospice care and I hope that hospice care will continue to receive the vital funding it requires. As I have said, hospices really are a lifeline for families during the most heart-breaking of times. However, we must do more to support hospices such as Little Havens. The cost of palliative care for children is estimated to be £200 million a year, yet the grant for these services is just £11 million a year.

We owe it to Lucy and to thousands of other young people in similar situations to face up to the issue and not only see that that grant is increased, but ensure that research funding is directed more towards the illnesses that impact on the young and that take away the greatest number of years from young people's lives. Too often we see research funding and care funding being focused

on the most common illnesses, which are often less complex and have fewer implications for life expectancy. We have not got our focus right in this area and we need to adjust it.

It is very encouraging to see so many hon. Members here in Westminster Hall today and I look forward to working with the Government to ensure that we provide much more age-appropriate care for young people with complicated illnesses.

10.1 am

Angela Crawley (Lanark and Hamilton East) (SNP): It is a pleasure to serve under your chairmanship, Mr Percy, in your new appointment.

I congratulate the hon. Member for Pudsey (Stuart Andrew) on securing this debate and I apologise in advance that I may need to leave a little bit early to attend the Women and Equalities Committee.

The provision of support for children whose lives are shortened by illness is a difficult issue to discuss. No parent wants to think that their child will not reach full adulthood or that they will spend their whole life being ill. However, that is the reality for too many parents. Therefore, we must do all we can to support families with sick children, to allow them to make the most of their time together.

My own experience of this issue comes from supporting many families with a loved one who experienced a short life. Through the young carers service, I volunteered to support the families of children living short lives, including their siblings. Those families were brave and inspiring, triumphing over what was probably the saddest time of their lives. Those siblings overcame those periods and went on to be incredible young adults themselves.

I echo the sentiments of the hon. Member for Strangford (Jim Shannon), who thanked the medical professionals and practitioners, the organisations and the charities, in this area. They provide constant support and care throughout this sad experience and, in many cases, afterwards, as the families go through the bereavement process.

As we have already heard, the charity Together for Short Lives has estimated that 49,000 children and young people in the UK have life-shortening conditions. However, the charity itself admits that that number could fall short of the true number of children affected by these conditions. I echo the sentiments of the hon. Member for Torfaen (Nick Thomas-Symonds); he is no longer in his place, but he discussed the need for robust data collection to ensure that the support necessary for families is available and that we quantify that support in an adequate way. Although I recognise the challenges that all Governments face, for someone to have to explain to a family that they simply cannot support them in their time of need because of a funding issue is not sufficient; indeed, for those families, it is simply not good enough.

Investment in research is absolutely crucial to medical advancement, and it can also increase the life chances of many children and improve the experience of many families. The reality is that Governments, the NHS and local authorities are currently unable to budget sufficiently to ensure that there is enough money to meet the needs of these children because there is simply an unknown number of them. As I say, that goes back to the point made earlier about the need for correct data to ensure

[Angela Crawley]

that adequate funds are provided. I put it to the Minister that this situation must be rectified so that we can adequately respond to the demand to close gaps in services and ensure that there is welfare provision for children in palliative care.

Funding is vital. Surveys have revealed that 89% of children's hospices could be forced to reduce their services if their funding from Government was stopped, so I urge the Minister to consider the best way to support those valuable services, to ensure that there is continued funding for them; I hope that he will consider that issue.

The Scottish Government are committed to ensuring that people can access high-quality palliative care, regardless of their age, diagnosis, socioeconomic background or where they live. As part of that commitment, funding for children's hospices has parity with that for adult hospices, and I hope that the UK Government will make the same commitment to provide such parity. The Scottish Government's strategic framework encourages support and promotes the further development of holistic palliative care for those in the birth to 25 age group. I urge the UK Government to make the same commitment to children and young people across the UK.

I will touch briefly on the issue of welfare and the UK Government's attitude to it. Many families who have children suffering from life-shortening illnesses will be hardest hit by the welfare reforms. At present, families with a disabled child in receipt of disability living allowance may be entitled to £60 per week. Under universal credit, that sum will be cut to £29 per week. In other words, the families of thousands of children will have their household budgets slashed at a time when they absolutely need such support.

Any parent of a child with a life-shortening illness wants to spend as much quality time as possible with their family. Instead, families affected by welfare changes will face substantial additional costs, as a result of having to pay for specialist aids and adaptations for their home, not to mention the additional visits to health services and the associated travel costs.

For many of the families across the UK who are caring for sick children, one of the greatest challenges that they face is accessing appropriate transport. We have already heard how vital it is that the Government consider the impact of their policy and ensure that mobility aid for families of children under the age of three is also in place, because we simply cannot discriminate on the basis of age. Those families need that vital support, but children under the age of three who have life-shortening conditions are currently ineligible to receive it. I hope that the Government will reconsider that.

A growing number of children within that age range require extra medical care, including palliative care. Some babies and their families have permanent wheelchairs and are unable to use them, or specialist buggies, without the necessary transport provision. Without specialist adapted vehicles, those families are unable to transport their young children to and from hospital, which obviously disrupts family life. It also means that families will miss out on making valued—in fact, cherished—memories with their children.

In closing, I must highlight that the burden of providing care for sick children can push families into poverty. In Scotland, and indeed in my constituency, 25% of children

and young people with life-shortening illnesses live in the areas of highest deprivation. Providing equal access to sources of support is of paramount importance, to ensure that those children get the most out of their short lives. Helping them to achieve that is dependent on our giving as much support to their families as is required, so I urge the Government to take all measures necessary to provide that support as much as they can.

10.7 am

Antoinette Sandbach (Eddisbury) (Con): I am very grateful to my hon. Friend the Member for Pudsey (Stuart Andrew) for securing this debate, which, as Members know, is on an issue that I feel very strongly about. It was heartening to hear about the work of the Hope House hospice that serves my constituents, although it is based over the border in Shropshire, and about the work of Claire House, which is a very effective children's hospice on the Wirral.

Other hon. Members have spoken powerfully about the transport issues and the transition issues, so I will concentrate on the families and the role that they play. It is particularly important to do so this week because it is Carers Week, and we know the vital role that parents play.

My hon. Friend made an important point about the 2% funding that was mentioned in the Chancellor's Budget and the fact that that funding is limited to adult social care. There is no justifiable reason for that discrimination. It is clear that local councils have cut their funding for services, particularly for short breaks. The impact of that on families is devastating. Thirty-six per cent. of families with children who have life-limiting conditions experience family breakdown. Therefore, it is vital that the Minister recognises that cuts by local authorities to the funding for those short breaks lead to increased burdens on Government elsewhere and that it is short-sighted not to fund those short breaks, which give the families and the siblings the vital respite that is often needed to ensure that they stay together as a cohesive unit and get the break from some quite onerous caring responsibilities. I do not say that in a negative way. All the parents absolutely love their children and want to give them the best they can in the short lives they have, but they need that break and the time for themselves.

Stuart Andrew: I am grateful to my hon. Friend for making that important point and I would like to give an example. I always remember speaking to a father at the hospice who said that if he got up eight times in the night he considered that a good night's sleep. Does that not highlight just how important it is that the families get the respite that they need?

Antoinette Sandbach: It is absolutely critical. I have experienced the situation in which, because of advances in medical science, the doctors cannot say whether someone will fall on one side or the other of the line of likely life expectancy—fewer or more than 25 years—and they do not qualify for support from the voluntary sector. Hospices play such an important role in supporting families and I give credit to the Government for funding children's hospices, albeit not at the same level as adult hospice care.

There is, however, a cross-border issue, which Claire House neatly exemplifies. The hospice treats a number of Welsh patients—it will not turn children away—but it does not get funded for any of the treatment it gives to them. I urge the Minister to consider having National Institute for Health and Care Excellence clinical guidance that would apply nationally and help to iron out some of the wrinkles, perhaps taking some of the best practice in the devolved nations. We have heard powerful contributions about some of the efforts being made in Northern Ireland. There is some learning that can be gained from across the devolved nations, but guidelines would ensure that hospices were put on a sustainable footing.

On that point, I support the call for joint commissioning and ask the Minister to consider what happens after the death of a child. I am here partly in my capacity as the chair of the all-party group on baby loss, and the subject has been debated elsewhere. There is important counselling support that could be put in place before the loss of a child and, indeed, afterwards. Hope House, for example, has a dedicated counselling centre and I am delighted that recently—in fact, just this week—I got confirmation from the Treasury that the Alder Centre could apply for LIBOR funding. The centre provides vital bereavement support for families in the north-west and I very much hope that it puts in an application before August. That is a beacon of light perhaps in the north-west and in the debate.

Caroline Ansell (Eastbourne) (Con): I wanted to pick up on my hon. Friend's extremely well-made point about sustainable funding. Chestnut Tree House in east Sussex provides the most extraordinary care for children and young people with life-shortening conditions but, despite the huge merit of its work, it has only 7% Government funding, and it is not confident about securing even that, year on year. The local efforts are magnificent. For example, just last month, 700 women walked the seafront in Eastbourne and raised more than £70,000, but that equates to just 11 days of care at that extraordinary place. The hospice wants to increase its services—it is not looking to retract any. It says that there are many more families it can support.

Antoinette Sandbach: That is typical of the hospice movement. St Luke's hospice, which provides adult care in my constituency, is looking to expand its services, and hospices such as Hope House and Claire House are also happy to do so. I know that the Minister has a new per-patient funding currency for children's palliative care, which will come in next April, but in the meantime hospices need certainty of funding so that they can commission services. I urge the Minister to impose some requirements on clinical commissioning groups, to ensure that there is not that cliff edge that has been spoken about today and that we have joined-up provision from, literally, the cradle to the grave, with support afterwards for families who need it.

10.15 am

Jason McCartney (Colne Valley) (Con): It is a pleasure to serve under your chairmanship, Mr Percy. I congratulate my hon. Friend the Member for Pudsey (Stuart Andrew) not only on securing the important debate but on his work for and support of Martin House hospice in west

Yorkshire. As he knows, our part of the world in Yorkshire is very well served indeed. I have the Forget Me Not children's hospice in Huddersfield supporting 185 local children and their families. We have identified, however, that there are probably more than 1,300 who need our support. The hospice has been up and running for only about three years, under the inspirational leadership of Peter Branson.

As we have heard, funding is an important issue and a big challenge for our children's hospices. The Forget Me Not children's hospice needs to raise £3.8 million every year, with only 6% of that coming from Government funding. It was nice to hear about the wonderful fundraising efforts for the local hospice of my hon. Friend the Member for Eastbourne (Caroline Ansell). A couple of weeks ago, more than 1,000 people took part in a colour run. They raised thousands of pounds for the Forget Me Not children's hospice by running through the beautiful fields of west Yorkshire and having coloured paint thrown at them. I have done my bit for the hospice by running the London marathon twice, but I would probably rather have paint thrown at me than run around the streets of London for four and a half hours—actually, 4 hours 44 minutes.

Some important issues have been highlighted this morning, and having been out with the wonderful nursing team from the Forget Me Not children's hospice the one thing that has really struck me—we have talked about this—is the importance of respite care and short breaks for families. I remember visiting a single mum whose young daughter with muscular dystrophy had a breathing tube. I asked the mum what it was like caring for her daughter and we talked about the lack of sleep. She had not had more than two and a half hours of unbroken sleep at night for four years. I could see the tiredness in her eyes, but she was incredibly uplifting and made no complaint whatsoever. She was very inspirational; I think about her a lot. The nursing team would visit her twice a week, not only to care for the daughter but to give the mum an opportunity to have her hair done, go shopping for herself or have a coffee with friends. That was important to her, as a mum and as a person, and it helped her to give even better care to her daughter. I say to the Minister that finding an opportunity for short breaks and respite care is so important.

We have mentioned the funding element, and I have talked about the Forget Me Not children's hospice, but we also need to think about the workforce and the specialist skills the hospice teams need to provide palliative care. We must ensure that we have a sustainable workforce, with specialist skills, experience, knowledge and competence, so that the wonderful children's hospices can continue to give wonderful care, not only to children but to their families.

I finish by thanking all my colleagues here for making their wonderful contributions. I again thank my hon. Friend the Member for Pudsey (Stuart Andrew) for raising the issue and securing the debate.

10.18 am

Kirsty Blackman (Aberdeen North) (SNP): It is an honour to serve under your chairmanship, Mr Percy. I am pleased that the hon. Member for Pudsey (Stuart Andrew) has brought the debate to the House. I raised

[*Kirsty Blackman*]

the matter at business questions during Children's Hospice Week, and I am glad to have the opportunity to speak in a debate about it.

There have been many interesting contributions today, and I am pleased that so many people have taken so much time not just to research the matter but to go and meet people, hear their real-life stories and bring them to the House. That is really important; it is not just about numbers, it is about the impact on people's lives, and the debate has been good at highlighting that.

I thank Together for Short Lives, which prepared a briefing that many of us have seen, and the Aberdeen charity Charlie House, which has provided me with a lot of information in advance of the debate so that I can speak on behalf of families. It is key that we get as much information as possible, including about real-life scenarios. In paediatric palliative care, we are pretty much having to make things up as we go along. That is not any kind of criticism of those who work incredibly hard and do a huge amount of research to try to make lives better, but it is a situation we have not been in before.

The Children's Hospice Association Scotland produced a report in 2015 that explained that we are seeing an increase in the prevalence of children and young people with life-limiting conditions, which is projected to grow further. As a result, the situation throughout the UK and the world is uncharted territory. We cannot just say, "This is best practice" and lift it, because we are all having to find our way in this scenario. As a result, Governments throughout the UK—the devolved Governments and the Westminster Government—are not necessarily getting everything right, because this is a new scenario for all of us. The best way to ensure that we get this right and provide the best support is to listen and speak to the families and ask them about what they need and the hurdles they are facing.

When a family has a baby with such a condition, it is an unforeseen circumstance. They do not imagine that that child will not learn to sleep through the night, will not learn to crawl and walk and will not go through a weening process and begin to eat solid food. It is an unforeseen and unforeseeable situation. A lot of the conditions that such children have are totally unplanned for and could not have been predicted beforehand.

One thing that has been touched on, but not explored in a huge amount of detail, is the financial impact on families. My hon. Friend the Member for Lanark and Hamilton East (Angela Crawley) mentioned that 25% of families with children with life-limiting conditions live in the most deprived areas of our communities. Those families start from a position of not having a huge amount of money in the bank, and they are then faced with a situation in which more than 60% of mothers and more than 20% of fathers have to stop work. They require support from the Government, because it is impossible for them to survive otherwise.

Alison Thewliss (Glasgow Central) (SNP): My hon. Friend is making an excellent case. I visited the Children's Hospice Association Scotland, and it said that some of the families that it deals with are not even aware of the benefits they are entitled to and get support on that

from CHAS. Could the Government do more to encourage people to take up the benefits they are entitled to for their children?

Kirsty Blackman: I absolutely agree; that is something that the Government could do better. Again, that is not just the Westminster Government; it is an issue for Governments across the UK. It is very difficult when a family is suddenly thrown into a situation where they have a child who requires an incredible amount of support. They are trying to find out about children's hospices and medical support and trying to work out what condition their child has. They are trying to swim through all that while keeping the family financially afloat. If the Government have not been proactive in providing and signposting all that support, it is even more difficult for families already dealing with an incredibly difficult situation. As the hon. Member for Colne Valley (Jason McCartney) said, in a lot of cases they have to do it with next to no sleep. The situation is almost impossible, and it is incumbent on us to ensure that we do all we can to help those families.

I want to touch on a couple of other points that Members have mentioned. The hon. Member for Eddisbury (Antoinette Sandbach) mentioned the importance of families having a break and respite. I underline the point made earlier that children's hospices are not like adult ones. They provide support from diagnosis, or from the time when it is realised that the child may not survive childhood. Some 75% of the support provided by children's hospices is through short breaks. We cannot overstate the difference between adult hospices and children's hospices. There is a requirement that the Government provide them with different levels of statutory support, because they are a totally different kettle of fish.

The children we are talking about have 24/7 care needs, as a number of Members have mentioned. The importance of respite care cannot be overstated. The hon. Lady and the hon. Member for Strangford (Jim Shannon) mentioned sharing the knowledge we have of best practice in the devolved nations and spreading what works. One problem we have in Scotland is the lack of children's hospice care. We have only two children's hospices in Scotland, and they have a total of about 15 beds. Families in my constituency have to do a 200-mile round trip to access a hospice, and that is on the weekends that work for the hospice, because there is such a big waiting list. I do not think that is appropriate. We need to work on that. In previous years and decades gone by, it was not necessarily so much of an issue, because there were fewer such children and families. It is now increasingly becoming an issue. That is why Charlie House in my constituency is working hard to get a hospice built in Aberdeen so that there is local access. As my hon. Friend the Member for Lanark and Hamilton East said, the Scottish Government are committed to trying to ensure that we have a geographic spread of services, as well as the spread of services needed for children with all the different conditions.

I appreciate the fact that we have had this debate so that we can discuss these matters, and I appreciate the feeling in the room about working together to try to find a way forward that helps everyone.

One point I will briefly mention, because it has been mentioned a number of times, is the issue of transport for those aged nought to three. That would be relatively

easy for the Government to fix and would make a massive difference to the financial impact on families, particularly those who are struggling financially as it is. It would be a massive help.

Thank you, Mr Percy, for your chairmanship, and I once again thank the hon. Member for Pudsey for securing the debate.

10.26 am

Barbara Keeley (Worsley and Eccles South) (Lab): It is a pleasure to speak with you in the Chair, Mr Percy. I also thank the hon. Member for Pudsey (Stuart Andrew) for securing this important debate, to which he has been able to bring considerable knowledge. I congratulate him on how he opened the debate. We have had many important contributions this morning from the hon. Members for Strangford (Jim Shannon), for Castle Point (Rebecca Harris), for Lanark and Hamilton East (Angela Crawley), for Eddisbury (Antoinette Sandbach) and for Colne Valley (Jason McCartney). We have also had some shorter contributions from my hon. Friend the Member for Torfaen (Nick Thomas-Symonds) and the hon. Members for East Londonderry (Mr Campbell), for Foyle (Mark Durkan), for Eastbourne (Caroline Ansell) and for Glasgow Central (Alison Thewliss).

Many of us have talked about the charity Together for Short Lives. We thank it for its input to the debate, which it has welcomed. It feels that discussion of children who are dying and the support they need is hindered by a public taboo. The palliative care needs of children can be coupled inappropriately with those of adults, when, as we have heard, their needs are much more complex and focused as much on quality of life as on quality of death.

A key point that has been made in this debate is that we do not have enough data to commission and fund appropriate services to support children with life-shortening illnesses and their families. The most recent estimate is that 49,000 children under the age of 19 are living with life-limiting or life-threatening conditions, although I understand that that is based on data from 2009-10. Without Government monitoring of changes in the data, there are real difficulties in providing the care and support needed by children, young people and their families. Local authorities and CCGs already find it challenging to commission and provide palliative care locally because relatively few children in any given area will need that care. Without more accurate data, it is harder to commission and provide the services needed. Cross-departmental collaboration and better co-ordination among organisations are also needed.

The issue with funding is clear. There are different funding streams from different Departments and from local organisations. As we have heard, a remarkable amount comes from fundraising. We have specialised children's palliative care commissioning, general children's palliative care commissioning and the commissioning of children's social services. NHS England, CCGs and local authorities all have a part to play in funding palliative care services for children, but as we have heard it is often unclear who is responsible for funding different services. There is terrible uncertainty about the availability of future funding for services. Indeed, Together for Short Lives found that CCGs contribute just 10% on average to the cost of the care that children receive in

hospices, compared with an average contribution of around 30% to the cost of care in adult hospices. As we have heard from the hon. Member for Eddisbury, the Department of Health is testing per-patient funding for children's palliative care for commissioners to use in 2017, but I understand that is not going to be mandated, so there will be no obligation for clinical commissioning groups to adopt that level of funding. Will the Minister clarify how the Government plan to ensure that adequate funding will be provided in future for palliative care services for children?

We know that funding from local authorities for children's social care has become even more stretched. Local authorities can of course raise additional funds for adult social care through the social care precept, but that does not apply to children's services. We also know there has been a significant increase in the number of referrals to children's social services since 2009. The Local Government Association has raised concerns that the 40% real-terms reduction in core Government funding over the previous Parliament and subsequent budget cuts have meant that local authority services are being reduced significantly. The 2014-15 budget figures show a reduction of 20% for spending on children's centres and early-years services since 2010.

We have heard quite a bit about breaks. Although local authorities are required to provide short breaks for disabled children, the funding for this has decreased, which means families are receiving less support, despite having significant caring responsibilities. We have heard about the extent of the caring responsibilities for carers of children with life-limiting conditions. The Every Disabled Child Matters partnership found that 58% of local authorities had cut their short-breaks spending by an average of 15% between 2011 and 2015, with some councils cutting this funding by up to 26%. In carers week, the fact that family carers are receiving less support and fewer short breaks should be of real concern to us.

I do not often go to my iPad for notes, but I had a look at Lucy's blog; what she says about her mother as her carer is important.

"In reality, it is all down to my mum. She phones person after person, arranges blood tests and appointments and sorts out all of my medication, one of which has to be couriered down from London every few months, and when I'm on intravenous antibiotics, she drives to the hospital to pick up the drugs and picks up the equipment from the district nurses. My mum does my TPN and medication every day, she administers IVs and takes blood from my hickman line, gives injections, dresses wounds, can catheterise me, mixes and prepares medication, and so much more; she can do things many nurses can't do...She liaises between consultants and departments. She sorts out my prescription and collects medication. She deals with my personal budget and pays my carers. She's my mum, nurse, carer, PA and best friend. It's all down to her. She's given up her life to keep me alive, not having a holiday or break in 6 years."

She should be able to have a holiday and a break.

As has been said in this debate, we need to find a way to hold local authorities to account for the money to spend on short breaks for disabled children. I hope the Minister can tell us what action he will take to make sure that seriously ill or disabled children and their family carers can access short breaks.

In March 2015, the Health Committee published a report of its inquiry into palliative and end-of-life care. It called on the Government to ensure that future funding proposals fully recognise the importance of the

[Barbara Keeley]

voluntary sector. The report also called on the Government to set out how they intend to ensure the sustainable long-term funding that we have talked about in this debate. It is clear from the many contributions today that improvement is needed to ensure a sustainable funding settlement for children's palliative care in future.

I want to touch briefly on the importance of social and community palliative care and support services. Hospices do a wonderful job, but children are not always in a hospice. The Rainbow Trust children's charity supports more than 2,000 families across England whose children have a terminal or life-threatening illness. This includes families in my constituency. The trust supports 99 families in Greater Manchester, including nine families in Salford. The family support officer for the team in Greater Manchester says that the most common concern raised by parents is the reduction in the statutory hours of support they receive. Increasingly, families are reporting having the number of hours of support reduced with no alternative service offered. It is important that the support provided by charities such as the Rainbow Trust should not be seen as a substitute for inadequate statutory support. The Greater Manchester Rainbow Trust team works closely with the Diana nursing team in Salford to provide all-round support to children's families at home and in hospital. Both services are vital.

Charities such as the Rainbow Trust provide an essential service to families outside a hospice setting, and we must make sure that those community palliative care services are supported. I can tell the Minister that the statistics are very impressive for a small charity. In 2014-15, the Rainbow Trust provided nearly 3,000 hours of sibling support, more than 10,000 hours of home support, 7,700 hours of hospital support and more than 1,000 hours of bereavement support. Members have referred to the importance of bereavement support, which is a key aspect of the issue. Sadly, the Rainbow Trust receives only 3% of the funding needed for all those services from statutory authorities. I hope the Government will recognise the value of community palliative care and support and how it can work alongside hospice care to provide families with the support they need from the moment a diagnosis is made.

Children's services provide excellent care in an age-appropriate environment, but, as we have heard, young adults tend to have different needs from young children and older adults. As more children with life-shortening conditions live longer—we are all grateful that they do—they are more likely to make the transition into adult care settings. Unless suitable age-appropriate services are offered to help with this transition, young adults may be lost in the system. The hon. Member for Castle Point spoke of the impact on Lucy and the travel she had to do to find services. What will the Minister do to ensure that young adults making the transition to adult palliative care services have the support that they need?

As we have heard in this debate—like everyone else, I want to touch on this—changes in benefit eligibility could also help to ensure that families get the level of support they need. Most people would not think of the importance of the mobility component of the disability living allowance and perhaps not register that the fact that it does not apply to children under three was such

an issue, but of course those children need special equipment such as ventilators or the permanent wheelchairs that we have heard about, and families need to transport that equipment. It is a dreadful thought that with precious and limited time for children and families to spend together, the families are unable to get out and are stuck at home because of equipment issues. Will the Minister raise with his colleagues at the Department for Work and Pensions the need to change the eligibility criteria of the DLA mobility component so that the families of children under three with life-shortening conditions can access it? It has been said that it is easy to fix: I hope that he thinks it is.

Many hospices, hospitals, social care providers and charities provide excellent care and support for children with life-limiting conditions and their families. I want to join others in this debate in thanking them for all that they do, but it is clear that more needs to be done to develop a sustainable funding system that can provide a fully integrated service for families at all stages of their child's illness. The importance of those services for families with a child who has a life-limiting illness cannot be overestimated. We are talking about people who give up their lives to provide support, as Lucy's mum has done. We are talking about parents who get very little sleep. We should really think that through during carers week. I hope the Minister will assure us that more will be done in future to make sure that every family with a child living with a life-limiting condition can access the support that they need when they need it.

10.38 am

The Minister for Community and Social Care (Alistair Burt): It is a pleasure to serve under your chairmanship, Mr Percy. I am sure we have all found the debate that you have conducted enlightening, interesting and extremely collaborative. I congratulate my hon. Friend the Member for Pudsey (Stuart Andrew) on securing it. He has a long history of championing the children's hospice sector as a fundraiser for Martin House and has been at the forefront of efforts in Parliament to publicise the needs of children with life-limiting conditions. I thank him for that, as others have done.

I apologise for the absence of the Under-Secretary of State for Health, my hon. Friend the Member for Battersea (Jane Ellison), in whose portfolio this subject normally sits. She is overcommitted and trying to be in two places at the one time, so I am delighted to have the chance to respond to the debate. In a lengthy and varied ministerial career I have had the pleasure most of the time of being in a position where I can work with the House rather than deal with confrontational situations. Occasionally politics intervenes, but most of the time I have had the opportunity to do what I am going to do this morning, and I appreciate the way in which the debate has been handled and dealt with.

I shall briefly pick out some of the points made in individual speeches. With his usual courtesy and kindness, the hon. Member for Strangford (Jim Shannon) told some personal stories and made an important point about sharing experience. He also helped us out with some information from Northern Ireland, as he so often does. My hon. Friend the Member for Castle Point (Rebecca Harris) spoke of the inspiration of people such as Lucy, whom I shall quote in a moment. She made several points about transition and the need for

people to have a voice. The hon. Member for Lanark and Hamilton East (Angela Crawley) and others raised the issue of mobility, which I shall address in a moment.

My hon. Friend the Member for Eddisbury (Antoinette Sandbach) is very much involved in these issues, and I am pleased that she talked about carers during Carers Week. There is still time for carers who are listening to get involved in the call for evidence on the new carers strategy. On the back of this debate, some information from carers for those with children with life-shortening illnesses would be particularly welcome. If carers could submit their information—they have until the end of June—that would be great. My hon. Friend also spoke about the need for counselling and issues relating to the end of life.

My hon. Friend the Member for Colne Valley (Jason McCartney) gave us moving stories about lack of sleep and illustrated the sort of lives carers lead when looking after their children. That personal insight really brings it home, as do those of other colleagues. I appreciated the interventions made by my hon. Friend the Member for Eastbourne (Caroline Ansell) and other colleagues.

Of the two Front-Bench spokespersons, I know the hon. Member for Worsley and Eccles South (Barbara Keeley) well and, with her background in caring, her contributions are always to be listened to. She touched on several issues, including data and the funding of short breaks. I shall come to them all. I have not had the pleasure of listening to the hon. Member for Aberdeen North (Kirsty Blackman) before, as our portfolios have not crossed, but I really appreciated how she approached the subject, and particularly what she said about our being in uncharted territory. That is the truth.

A generation ago, the Minister in my position would probably not have been having this debate, or it would have been very different. Now, because of advances in medical science, we are working with children and families with whom we would not previously have been working. That gives rise to a whole series of new issues for all of us, and to a certain extent we are all feeling our way. The financial pressures are obvious, whatever the Government—whether it is devolved or in Westminster—but new work is being done all the time to tie up the different elements and agencies that handle packages of care. The hon. Member for Aberdeen North was particularly good on that, and I appreciated what she said. We can always learn from those around us.

I picked up in the debate issues such as data, social care, short breaks, mobility, transition and integration, about which I shall say a little in the course of my remarks. The hon. Member for Worsley and Eccles South read out a quote from Lucy, who has been mentioned several times, and the hon. Member for Aberdeen North mentioned the importance of listening, which is the bit I wanted to pick out from what Lucy said. I had experience of that many years ago as Minister with responsibility for disabled people, and it has come up again and again. I shall read from Lucy's piece on the website of Together for Short Lives, which I commend for its work on this issue. I would be grateful if the House would take a moment to hear Lucy's voice:

“All throughout my illness, and my life in general, the one thing I've always wanted is to be listened to. That is extremely important. I have very little control in my life, being dependent on others for almost everything. The only bit of control I have is my opinion and my ability to make decisions. I value this greatly. However, I am not in control over whether people listen to my

opinion. My opinion or decision is only in my control if people listen to it and take it on board. It's hard for some people to understand why I get so upset if someone makes a decision on my behalf without my consent and prior knowledge, but when it's the only thing I have control over, you can understand why. Healthy people make decisions all the time and everyone has their own opinion. But when you're sick and/or disabled, suddenly some people think it's ok to make decisions for you, as if, somehow, being sick or disabled makes your opinion worthless or unnecessary. Others do it to be kind, but it still can be upsetting. I am perfectly capable of making my own decisions, and so I should be involved in all decisions that concern me or affect my life. My decision, no matter what it may be, should be supported. Be it what clothes I want to wear, where I want to go or even down to things like whether I want to be kept alive by machines or if I choose not to have life-prolonging treatment. However hard or important the decision, the individual should be listened to—even if you don't agree with what they're saying.”

That is a remarkable personal statement from an obviously remarkable young woman, to whom we have all paid tribute during the debate.

Turning to the main part of my speech, I shall start with some remarks about funding before using the generous time I have been allowed by tackling some of the individual issues that have come up. Some children and young people have very complex health needs, which may be the result of congenital conditions, long-term, life-limiting or life-threatening conditions, disability or the after-effects of serious illness or injury. The NHS and related services support such children in a range of ways, but the role of children's hospices is crucial, and it is right that we focus on it today. I am grateful that so many individual hospices and organisations have been mentioned in the debate, not least by my hon. Friend the Member for Pudsey in his opening speech. I pay tribute to Keech hospice, which is based just outside my constituency on the outskirts of Luton. It covers Bedfordshire, Buckinghamshire and Hertfordshire, and I thank the staff there for the work they do.

I also thank St John's hospice in Moggerhanger, a Sue Ryder organisation for which I have run a couple of marathons. My hon. Friend the Member for Colne Valley mentioned a time of four and a half hours; my time the other week was six hours. Obviously age is getting to me. I shall have to work on cutting down my time next time, but I did appreciate seeing the Sue Ryder cheering team on the Embankment about a mile away from the finish. A hug at that time of the day was most welcome. I thank all those who partake in fundraising efforts for children's and adult hospices throughout the country. Those efforts cannot be overstated and are really appreciated.

As hon. Members will recall, the coalition Government initiated work to look at the basis on which palliative care services are commissioned for people of all ages. That work continued under this Government, reflecting the importance that we attach to these services. The aim of the work was to have a more transparent and local approach to commissioning services. Children's hospices in particular have not always enjoyed a very close relationship with local health commissioners—neither primary care trusts nor clinical commissioning groups. That is largely a reflection of their history. They developed as voluntary sector organisations, driven by people's time, good will and charitable donations.

Of course, many commissioners do support local children's hospices and hospice-at-home services, and we have heard of some good relationships today, but there is variation in commissioners' awareness of the

[*Alistair Burt*]

valuable role of children's hospices, and in the extent to which commissioners—both local authorities and CCGs—fund them. That has been usefully highlighted by research undertaken by Hospice UK and Together for Short Lives, as was mentioned earlier.

Children's hospices are not just a vital resource for care and support to children with life-limiting conditions; there is also a clear role for hospices and hospice-at-home services in supporting families by providing respite care for children and young people with complex needs and disability. We want that to be encouraged as part of a more strategic approach to children's health outcomes. We now have new statutory requirements in relation to children with special educational needs and disability that require CCGs and local authorities to work together. Such a model of integrated arrangements would provide a framework for wider support to children and young people with complex or life-limiting conditions, so it is an opportunity we should support.

In supporting more integrated arrangements for commissioning for children and young people, we want to emphasise the role of the hospice sector as a provider of respite care, and how such provision can dovetail with other specialised and universal services in a co-ordinated way. That can be supported through far greater transparency about the nature of care and its costs. As colleagues have mentioned, the coalition Government agreement pledged to introduce a new per-patient funding system for hospices by 2015 to cover care for adults and children, regardless of which organisation provides it. The aim was to have transparency about services and costs, which would allow local commissioning of palliative care.

The long process of data collection and costing—I will come back to data shortly—was a model of co-production with the sector. It identified considerable complexity in developing a new system that is sufficiently responsive to the varied needs of palliative care, particularly in the case of children's hospices. It resulted in a draft palliative care currency, which is being used and tested locally, and the aim is to publish a final currency next year. As the hon. Member for Worsley and Eccles South said, it is not a mandatory payment system but a first attempt to group specialised palliative care into packages that are similar in the resources needed and, in particular, in workforce requirements. It does not attribute prices to the packages, as they are for local negotiation in the usual way as part of the commissioning process.

There are concerns that the currency approach does not reflect all the services provided by hospices and that a young person and their family might need, and that it perhaps lacks the flexibility that I mentioned. The currency is a useful basis for local discussions between providers and commissioners, but it is work in progress. It is clearly not the end point, although we have moved on from where we were.

NHS England recently convened a round table on children's palliative care, which included representatives from the children's hospice sector. It identified that the varied nature of children's palliative care requires us to consider other funding models. NHS England and Public Health England recognise that a per-patient tariff—the principle behind the currencies for palliative care—may not be the only or the most suitable funding model for

palliative care, particularly given the diverse range of the needs of children and young people with life-limiting conditions. NHS England will review with stakeholders a range of potential approaches to palliative care funding for children and young people, using the existing currencies as a basis for different models. My hon. Friend the Member for Pudsey will be glad to know that the children's hospice sector will be part of that work. The aim is to identify the most practical approach to funding, which will allow strategic discussions between CCGs and providers and transparency about the care packages that are being secured.

I am glad to say that we are able to provide more direct support in the form of the £11 million grant that NHS England makes available to children's hospices. The future of the central grant is a topic to which we return regularly. I appreciate that it is a source of uncertainty and frustration to children's hospices that NHS England is not able to provide a long-term guarantee or a multi-year confirmation of the grant. We should recognise, however, that it is not dissimilar to other areas of health funding and that, in that respect, children's hospices are no different from other providers of health services. NHS England itself does not have a long-term allocation, so it cannot in turn make long-term commitments about grant funding to children's hospices. However, NHS England, on behalf of the Government, has made a clear, ongoing commitment to continue to support children's hospices. There is no question of the abrupt cessation of that support if there is no sustainable local commissioning alternative in place. I know the children's hospice sector will welcome local commissioning arrangements, and ultimately their success should mean an end to a rather unusual central grant, but the former must be in place before we can have the latter. My Department and NHS England are equally keen to ensure that the transitional process is smooth and that it is achieved by working closely with the sector.

There are a number of imaginative funding developments and ideas. My hon. Friend the Member for Winchester (Steve Brine), who was unable to take part in the debate, reminded me of a submission from Naomi House in his constituency. It talked about the very successful 30% contribution contract arrangements that exist across the south-west, including in Wiltshire, Dorset and Bournemouth and Poole. It stated that in many ways, the model in the south-west is a great example of Government policies in action, with services being funded by pooled budgets of health and social funds. It continued by saying that the system of a contribution, rather than full cost recovery, is an example of third sector and public bodies working together to achieve value for money and the delivery of quality services, which helps to avoid family breakdown and unnecessary admissions to hospital, leading to further savings.

I know a lot about data collection from my other portfolio—mental health services—because the Opposition spokesperson, the hon. Member for Liverpool, Wavertree (Luciana Berger), has made it a specialist subject on which she could speak on “Mastermind.” She has helped me to encourage the Department to do better on data collection. As I outlined, the NHS and the Government have been through a process to determine a new funding model, which has assisted in uncovering more of the necessary data. I am assured by my officials that further work will go on.

The identification by commissioners of children with a life-limiting condition is essential to ensure the efficacy of commissioning plans. There is also a need to ensure that professionals who are not usually in contact with children with life-limiting conditions, such as in primary care, are fully aware of the child's needs. The Department is exploring the potential for a flag on general practice information technology systems to allow practitioners to note when a child or a young person has a life-limiting condition. More data collection is certainly on the cards. Effective conditioning has to start with effective identification. In 2014, the Department of Health issued guidance for health and wellbeing boards on children's complex needs, which provides key insights on effective needs assessments. That work will continue.

On social care funding and short breaks, a question was asked about local authorities, council tax and the adult social care model. Local authorities have to make complex choices about how to target resources more effectively. With my adult social care hat on, I am well aware of the social care precept. The Department for Communities and Local Government is undertaking a comprehensive and thorough review to devise a new formula to assess councils' needs and to provide fair funding for every type of local authority ahead of the introduction of 100% business rate retention by the end of this Parliament. There is clearly a lot of work to do over the coming months to work out the details of the new system. The DCLG will consult with local government more widely on the issue shortly. I encourage my hon. Friend the Member for Pudsey to make representations to the DCLG about funding children's social care in the same way as the adult social care precept works. Perhaps he and other colleagues will take advantage of that review.

Since 2011, the Government have made it a statutory requirement for all local authorities to provide a variety of short break services. Regulations require them to publish a short breaks duty statement describing what short break services are on offer in their area and how they can be accessed. It must form part of the local offer of services for children and young people with special educational needs and disabilities. The Government contend that that transparency is really important. When asked about their implementation of special educational needs and disability reforms in February 2015, the vast

majority of authorities reported that they were keeping their short break budgets the same as for 2014-15, but I am aware of the pressure that exists. The Under-Secretary of State for Health, my hon. Friend the Member for Battersea, will certainly review the debate, and I have heard what colleagues have said.

I will also draw my hon. Friend's attention to the issue of mobility, which virtually every Member has mentioned. When I was the Minister responsible for disability some years ago, I was in charge of mobility, so I am well aware of the benefit and impact of mobility assistance. Concerns have been raised about the age limit, which is an issue for the Department for Work and Pensions. There was a meeting between Together for Short Lives and my noble Friend Lord Freud in February 2016. The response, which is on its way to Together for Short Lives, indicates that my noble Friend the Minister listened very carefully. It says that, if there is to be a change, it will involve primary legislation. That is perhaps not quite the short and simple answer that we all want, but he committed to ask his officials to explore whether there are other ways in which the Department can provide support. I will certainly report to my hon. Friend the Member for Battersea how important mobility is to those with very young children.

The Government provided £420,000 in grant funding to Together for Short Lives to help the transition taskforce look at how the transition between children's and adult services can be eased. I know that is an important factor for many families and will be increasingly important in the future.

I hope I have covered all the issues that colleagues have raised. If there is anything that I have not covered, I will write to the colleagues who raised it. If it is something substantive, I will put a letter in the Library so that colleagues present in the debate can pick it up there. I am grateful to all Members who spoke and to the constituents who involved them in what they are doing. I again thank my hon. Friend the Member for Pudsey for raising this issue and colleagues for the way in which they have debated it. This is an important issue, and I hope the debate has reflected that.

Motion lapsed (Standing Order No. 10(6)).

Conveyancing

11 am

Will Quince (Colchester) (Con): I beg to move,

That this House has considered the conveyancing process.

It is a pleasure to serve under your chairmanship, Mr Percy, and I thank the Minister for being present today to respond on behalf of the Government. I refer you to my entry in the Register of Members' Financial Interests, because Spicerhaart estate agent kindly provides a regular donation in kind by printing my parliamentary "Reporting Back" publication. I was also a practising property solicitor, although I gave that up on election to this place.

As a nation, we have long held home ownership to be a valued tradition. This Government have done much to promote home ownership and to make it easier for people to get on to the property ladder. Once someone has saved a sufficient sum for a deposit, perhaps utilised a Government scheme such as Help to Buy, and found a house to purchase, however, the conveyancing process kicks in, and recent mortgage research from Which? suggests that seven in 10 people who have bought or sold a home have found it to be nerve-racking and the biggest source of stress apart from getting a divorce. Having a child, changing jobs and arranging care for an elderly relative are all said to be less stressful than getting involved in the property market.

Are we surprised by that? A person or couple have put in their offer and instructed a conveyancer. They pay a retainer to the conveyancer to cover the cost of searches, which is about £200; for a survey, which is between £200 and £600; and any fee due to their mortgage adviser. They also complete a load of paperwork, and then wait and wait until their conveyancer informs them that they are in a position to exchange contracts. If one gets to that point, the house is under contract and people can breathe a sigh of relief. To be clear, up to and until that point, either party may pull out of the transaction, and usually no costs are recoverable. But is that okay because such cases are rare? No. More than one in five property transactions fall through each year—around 200,000—and about £270 million is wasted annually on legal fees and surveys for failed house purchases.

As I mentioned, by way of background, I was a practising solicitor specialising in residential property, so I worked in this area of law and have first-hand experience of the frustration of the conveyancing process in England and Wales. I am not, however, a poacher turned gamekeeper, because although conveyancers are far from blame free, the issues that need addressing are largely with the system and the process. Conveyancers are often demonised, because they are the day-to-day contact with their clients and the venting point for frustration, but in many cases they are not responsible for the numerous obstacles that can arise as part of the house-buying or selling process.

At the end of last year, I was pleased to see that Her Majesty's Treasury and the Department for Business, Innovation and Skills announced plans for a call for evidence to explore

"options to deliver better value and make the experience of buying a home more consumer-friendly."

That is no easy task, but I am delighted that the Government are taking it up. Recognising the issue is the first step, although I fear that finding possible solutions will not be as easy.

I will touch on some of the obstacles and frustrations in the conveyancing process, with my observations. Residential conveyancing is covered by the doctrine of caveat emptor—let the buyer beware. The purchaser's conveyancer is therefore responsible for checking the title and undertaking relevant searches and surveys. That leads to detailed inquiries and, despite the Law Society trying to curb them where they are general, they still represent a considerable administrative burden. The burden is also on the purchaser's conveyancer to be satisfied on behalf of purchasers and, in most cases, their mortgage lender. There would therefore be considerable merit in clarifying the extent of a conveyancer's obligation to the client and mortgage lender.

Gazumping is the practice of buyers outbidding those who have already had an offer accepted. The practice causes huge frustration and disappointment for buyers who think they have secured their dream home, only to find that they lose it in a heartbeat to someone with deeper pockets. It also means that those buyers, who lose out regularly, end up paying for abortive legal costs, mortgage consultant fees and survey fees, which can run into thousands of pounds, adding insult to injury. Gazumping accounts for 21% of collapsed sales, while only 15% are because the buyer pulls out at the last minute. The answer could be a financial commitment pre-contract, which would be forfeit should the seller, without warning, raise the price or pull out of the sale.

Kevin Hollinrake (Thirsk and Malton) (Con): I congratulate my hon. Friend on securing this important debate. The last time a Government looked at gazumping was under Labour, which set out to tackle it, but actually tackled a completely different problem and introduced the ill-fated home information pack. Does he agree that any proposal to change legislation should involve the industry, including estate agents—I refer the House to my entry in the Register of Members' Financial Interests—and the legal profession, to ensure that any changes are beneficial to the process?

Will Quince: I thank my hon. Friend for his intervention, because he is right: any change that the Government make has to be in association and after consultation with the industry, which is estate agents, solicitors, licensed conveyancers and surveyors—everyone involved. If we do not take them with us, any change will simply not work.

Long chains are commonplace in the conveyancing process. They can cause considerable delays to buying and selling. Although chains can be and do get broken, it is not easy, and action such as encouraging short-term lets could provide an answer. There is no question in my mind but that the simplification and standardisation of the mortgage application process would be a good first measure to consider, potentially including an industry standard of instructions and documents for the conveyancers to deal with. I recall the minefield that, in practice, is the Council of Mortgage Lenders handbook, with parts 1, 2 and 3, and all lenders having differing requirements. Reducing or standardising that handbook would lead to a reduction in the work that a conveyancer needs to do, therefore considerably speeding up the process.

There is a strong argument for deciding on agreed protocols and procedures in the conveyancing process. I recall that, in practice, it was only when a sale was

agreed, conveyancers instructed and a retainer paid that property information protocol forms would be sent out to clients. Those forms are far from simple and take several hours, if not days, to complete, which means at least a week of delay before they are returned to the conveyancer to be sent on to the purchaser's conveyancer. Comprehensive and standardised questionnaires would create consistency, and enable those selling a property to complete the forms when the property is originally put on the market.

Furthermore, I argue that estate agents have a part to play. They could be obliged to obtain basic information when a property is first marketed, and they could provide more detailed standardised property questionnaires from the conveyancer for the seller to complete while a buyer is being sought for the property. That might shave at least a week off the conveyancing process.

To remain on estate agents, several pieces of legislation affect them, in particular the Estate Agents Act 1979 and the Property Misdescriptions Act 1991. However, things have clearly moved on since then, and I suggest that we might need to review the existing legislation to make it fit for purpose. If, for example, estate agents were licensed—a potential option—the other regulated professionals, such as surveyors and solicitors, would have more confidence in relying on them to manage their part of the conveyancing process.

Currently, landlords and managing agents charge for information about leasehold properties and, in my experience, it often took weeks to receive the information. That causes considerable delays, especially when there is a chain of leasehold properties, which in our great capital city is commonplace. Regulation of the sector dealing with leasehold properties could be the answer, including, for example, minimum response times and a centrally held database of management packs, particularly for large blocks.

Finally, I will reserve some of my fire for my former profession. The move towards factory conveyancing with ridiculously low fees is not only leading to delays, but potentially costing clients. As fees fall, the margins fall and firms need to take on more and more work to remain profitable. That means that many conveyancers are reactive instead of proactive not out of choice but out of necessity. It is the client who then suffers as conveyancers cannot meet their rightly high expectations. Trade bodies have tried to address that by introducing specialist conveyancing credentials such as the kitemark. They have played some part in driving consumer choice, but ultimately—this is my experience and I think the industry would support me in this—the vast majority of clients are primarily motivated by the fee instead of the credentials of the conveyancer. That often leads to lots of complaints being made retrospectively—“I wish I'd used another firm. I wish I'd looked into it.”

John Stevenson (Carlisle) (Con): May I declare an interest? I am still a practising solicitor. I have been very interested to hear what my hon. Friend has had to say and I have a lot of sympathy with it. One thing he has not touched on is the Scottish system, which is distinct from the English system. Does he think there is some merit in looking at how the Scots do conveyancing, or does the way we do it in England just need reform rather than fundamental change?

Will Quince: I thank my hon. Friend for that intervention. The Scottish system certainly has merit, but we should not see it as a panacea. It front-loads a lot of the obligations and costs on to the seller. In the current market, where properties sell easily and quickly, that process can work quite well. However, in a more stagnant market, where sellers are having to cover those costs up front, there is often a lot of frustration there. We should certainly look at the Scottish model, but we should not look only at that. Our system in England and Wales needs fundamental reform not just mirroring the Scottish system.

Technology may be part of the solution. People search online for a property and it is reasonable to expect that they would also like to contract and correspond online with their conveyancer if that speeds up the process—if I had a pound for every solicitor who still sends out letter after letter by post, I would be a very wealthy man. I am aware that systems such as Veyo and Free2Convey are in the pipeline, but I question whether they will actually fix the underlying issues in the process.

I very much welcome the plans of Her Majesty's Treasury and the Department for Business, Innovation and Skills to undertake a call for evidence to explore options to deliver better value and to make the experience of buying a home more consumer friendly and I eagerly await that response. However, unless the Government are willing to change fundamentally our antiquated conveyancing process root and branch, we will not see the improvements that those buying and selling residential property are so desperate to see.

11.13 am

The Parliamentary Under-Secretary of State for Justice (Mr Dominic Raab): It is a great honour to serve under your chairmanship, Mr Percy, for the first time—

Andrew Percy (in the Chair): Let's minute that.

Mr Raab:—with glorious sunshine outside and in. I congratulate my hon. Friend the Member for Colchester (Will Quince) on securing a debate on this important topic. It seems like only yesterday that I was responding to him on a different debate that he secured, which shows what an assiduous MP he is on behalf of his constituents.

There were some 1.1 million completed property transactions in England and Wales in 2014-15. About a million of those—the vast majority—were residential sales and the amount of human as well as monetary capital caught up in and reliant on the conveyancing process at any one time is difficult to overestimate. The process, which delivers a secure and marketable titled property, is important to the parties to the transactions and to our underlying competitiveness as an economy.

The broad purpose of the conveyancing process is first to deliver a good and marketable title, free from unexpected encumbrances, to the buyer and to the lender funding the process in order that it can be registered at the Land Registry without difficulty. The investigation of title is only part of that process. Secondly, conveyancers must interrogate the seller and public records for information affecting the property and, once obtained, information must be analysed and any uncertainties clarified. The buyer and lender must, at

[Mr Raab]

the end of the day, both be content to proceed. They will both rely on their conveyancer, who is normally the same person, and, in the event of negligence, the conveyancer's professional indemnity insurers.

Thirdly, conveyancers must know their clients and satisfy the money laundering regulations. Fourthly, conveyancers must co-ordinate their transactions so that they proceed only when their clients both want to proceed and are able to proceed. Finally, conveyancers should support their clients through an emotionally charged process that in most cases they will encounter only a few times in the course of their lives.

As if that was not complicated enough, residential cases can be even more convoluted. The reality is that most individual residential transactions are linked by virtue of chains and without simultaneous transactions sellers and buyers would have to move into temporary accommodation. That carries the additional risk of the market moving before they can re-enter it or having to take out potentially open-ended bridging loans with the risk of unaffordable interest. The conveyancing process as we know it today in England and Wales is a result of those competing pressures and objectives.

The process is not mandated in detail by law. Rather, the law tries to provide a broad framework in which the parties are free to decide how to shape their own transactions, although in practice most of those transactions follow fairly straightforward—or at least common—standard industry protocol. Sales may proceed by auction, tender or private treaty, with several different approaches available in each of those courses, but in practice the vast majority of transactions proceed by private treaty, which in layman's language is really private contract, and it is that experience that shapes their views.

Opinions on the conveyancing process vary. They are sometimes negative, as we have heard from my hon. Friend. There are complaints about the time taken and the costs involved. Transactions can be prone to delay and all parties can get frustrated about the lack of transparency in the process. Estimates vary, but anecdotal sources suggest that the fall-through rate is roughly between a quarter and a third, which can amount to additional costs to both consumers and the wider economy of about £270 million each year. Millions more may be lost to estate agents and conveyancers operating on a no sale, no fee basis, who incur costs they cannot recoup directly if a transaction falls through.

It is important to say that not every failed transaction is as a result of some form of bad faith, but the practices of gazumping and gazundering, even if relatively rare, do little to improve the reputation of the business. There is no clear cause, or at least no single cause for those problems or the fluidity of the underlying market, which is inherent in a free market system. Many people point to the length of time needed to get from an agreement subject to contract to a binding legal commitment as the key problem. Often the solution proposed is a requirement to enter an early conditional contract along the lines of the traditional Scottish model. However, the truth is that, at least at present, few people in England and Wales seem to be keen to use conditional contracts as a matter of voluntary practice.

In the same way, few people try to protect themselves despite the risk of the transaction failing: they do not seem to make great use of either cost guarantee agreements,

where the party that breaks off the deal forfeits a specified sum to the other, or lock-out and lock-in agreements that can secure exclusive negotiating rights. That may be due to lack of costs or awareness or the likelihood of being able to secure those terms—it is true that that is not clear. I think the lack of use or take-up should at least give us some pause for thought before we prescribe a single mandatory remedy as the silver bullet.

Another complaint that we hear is that certain parts of the process—most commonly the local authority search—take too long. Where there is an essential process within an overall conveyancing framework, steps to improve response times will assist in reducing delays. Examples include inquiries of the seller, inquiries of the landlord in leasehold situations, or Land Registry and local authority searches. There may also be wider benefits in making property information more accessible online, and the Land Registry, which holds 24 million titles, has moved from a paper-based system to an electronic approach. That has at least helped to make quicker transaction times possible. The Land Registry has successfully developed certain digital products—most notably the award-winning MapSearch and Property Alert services, which will further modernise and digitise the services that consumers receive. The Land Registry is also taking over the local land charges register from local authorities, so that we deliver a single digital local land charges register in England. That should help to reduce overheads and also eliminate regional variations in practice.

Speed of communication between the principal participants is also sometimes flagged as a problem. Obviously, improved communication between the various parties involved could only be beneficial. However, I have to say that my impression is that the office procedures within the conveyancing process today are generally computerised and likely to become more so in response to consumer expectation and, indeed, competition. Chains of transactions of course present their own communications challenges, almost inherently, but attempts so far to provide an all-embracing, all-encompassing, secure electronic environment, in which members of the chain can communicate seamlessly, have foundered. That happened most recently, as my hon. Friend the Member for Colchester mentioned, with the Law Society's Veyo project. That is clearly a difficult nut to crack.

Finally, Mr Speaker—

Andrew Percy (in the Chair): Oh!

Mr Raab: It is only a matter of time. Finally, Mr Percy, we should not forget, when looking for the causes of procedural problems in the system, that the conveyancing process has to deal with some pretty difficult areas of law, and simplification and modernisation of the substantive, underlying law has a part to play in improving the overall effect of the conveyancing process. Work on the Law Commission's recommendations to reform the laws relating to easements and covenants, as announced in the context of the Queen's Speech, shows the Government's commitment to improving the underlying substantive law in the area, which should have a knock-on effect for consumers, in terms of process.

The Government of course also announced at the time of the autumn statement last year that they would publish a call for evidence on home buying, exploring

options to modernise the process and provide consumers with different and potentially quicker, simpler, cheaper and more effective ways to buy and sell a home. My hon. Friend the Member for Colchester made reference to that. The call for evidence will be published by BIS later this year. It will invite evidence and proposals for innovation from all aspects of industry, but also from consumers. I am sure—I certainly hope—that my hon. Friend will be engaged and involved in making sure we get the right evidence in, and that the right conclusions will be drawn from the evidence throughout the process.

I pay tribute once again to my hon. Friend for bringing this topic before the House, and I am sure that I will be back again to respond to him in debate soon. I hope that in the light of my comments he will be reassured that the Government are aware of the multiple concerns he has raised, and that they are endeavouring to take the right action to address them.

Question put and agreed to.

11.23 am

Sitting suspended.

Diabetes-related Complications

[MARK PRITCHARD *in the Chair*]

2.30 pm

Paula Sherriff (Dewsbury) (Lab): I beg to move,

That this House has considered diabetes-related complications.

It is a pleasure to serve under your chairmanship, Mr Pritchard. I am particularly pleased to have secured a debate on this topic because of its profound importance to all those with diabetes, and because support for those with long-term conditions is vital to the future of the NHS.

There are 4 million people living with diabetes in the UK today, and it is estimated that more than half a million people are undiagnosed, living with the condition without being aware they have it. Since 1996, the number of people diagnosed with diabetes in the UK has more than doubled, from 1.4 million to almost 3.5 million. About 700 people a day are diagnosed with diabetes, which is the equivalent of one person every two minutes. The NHS spends about £10 billion on diabetes every single year, which equals around 10% of its budget. Critically, it is estimated that 80% of that cost is spent on complications that are largely avoidable through better care.

Ms Margaret Ritchie (South Down) (SDLP): I congratulate the hon. Lady on securing this important debate. She referred to the fact that 80% of NHS spending on diabetes is on avoidable complications. Does she agree that a greater focus on early intervention is needed, to ensure that the budget, resources and staffing are better targeted?

Paula Sherriff: I thank the hon. Lady for her intervention, and I absolutely agree. As with so many other conditions, early intervention is crucial.

The total direct and indirect costs associated with diabetes in the UK are estimated at £23.7 billion. That is predicted to rise to £39.8 billion by 2035. Earlier this year, the Public Accounts Committee said that the cost of diabetes to the NHS would continue to rise.

John Howell (Henley) (Con): I thank the hon. Lady very much for the speech she is making and for securing the debate. I want to take her up on the point she has just made. There is a belief that diabetes is not curable; actually, diabetes is curable. It is curable by the individual going through a process of losing fat around the liver, which takes away the—

Liz McInnes (Heywood and Middleton) (Lab) *indicated dissent.*

John Howell: The hon. Lady is shaking her head. I am a living example of someone who has cured diabetes. I wonder whether more patient-centred education would be a big help to the NHS.

Paula Sherriff: I thank the hon. Gentleman for his contribution. While I acknowledge that some people may be cured of the condition, we must not be complacent about the causes of it or, indeed, the impact it can have on many people's lives.

Liz McInnes: I wish to make the point that the hon. Member for Henley (John Howell) is talking about type 2 diabetes, which can be cured by weight loss. Type 1 diabetes, which is insulin-dependent, cannot.

John Howell: I did mean type 2 diabetes.

Paula Sherriff: I thank hon. Members for their contributions, and I will now try to make a little progress.

Earlier this year, the Public Accounts Committee said that

“the costs of diabetes to the NHS will continue to rise. In order to control these costs, the Department and NHS must take significant action to improve prevention and treatment for diabetes patients in the next couple of years.”

The wider impact on people’s health is significant. One in five hospital admissions for heart failure, heart attack and stroke are among people with diabetes. The condition is responsible for more than 135 amputations per week. It is the leading cause of preventable sight loss in people of working age and the single most common cause of kidney failure.

Jim Shannon (Strangford) (DUP): I congratulate the hon. Lady on securing the debate. I declare an interest as a type 2 diabetic. I lost almost 4 stone and I am still a type 2 diabetic. I still need tablets to keep me right, and many type 2 diabetics are the same. Experts at Queen’s University Belfast are spearheading a new major research project aimed at ascertaining why thousands of diabetics around the world suffer kidney failure, which she referred to. They have examined DNA samples from 20,000 diabetics to help identify the genetic factors in diabetic kidney disease. The project could enable personalised procedures for those at risk. Does she agree that such research is the key to unlocking life-changing advances for diabetics?

Paula Sherriff: I absolutely agree, and it is encouraging to learn that such research and development is being carried out. I will later share details of a visit that my hon. Friend the Member for Heywood and Middleton (Liz McInnes) and I undertook recently, which proved very interesting.

Julian Knight (Solihull) (Con): The hon. Lady has been most generous in taking interventions. I congratulate her on securing this vital debate. Does she agree that education is a key part of ensuring that individuals with diabetes can manage their condition and limit the complications that she mentions? In my constituency we have a diabetes support group that was established way back in 1994. It meets nine times a year, often hears from experts, and provides advice and support. Will she reflect on the role of support groups in helping people to combat diabetes?

Paula Sherriff: I thank the hon. Gentleman for that relevant contribution, and I absolutely agree. It is worth noting that, as with many conditions, education is often the key, and I will allude to that later in my speech.

David Simpson (Upper Bann) (DUP): Will the hon. Lady give way?

Paula Sherriff: I will make some progress and then take further interventions.

The starkest figure of all is that every year, more than 24,000 people die prematurely due to diabetes and its complications. However, there is significant room to improve diabetes care, which would reduce the risk of diabetics developing complications and tackle the rising costs of diabetes to the NHS. First, we could take action to reduce avoidable amputations. There are more than 7,000 diabetes-related amputations every year in England alone, and foot ulcers and amputations cost £1 of every £150 spent in the NHS. I am sure hon. Members will agree that that is quite an incredible statistic. In 2013, the Secretary of State for Health committed to reducing the rate of diabetes-related amputations by 50% over five years, but the national amputation rate has since remained steady.

Action could be taken to meet that commitment. For example, the Government must ensure that clinical guidance is properly implemented and followed. The National Institute for Health and Care Excellence recommends that all people with diabetes have their feet checked every year, but in the worst-performing clinical commissioning groups, one in four people still are not receiving that annual foot check. There also appears to be a significant disparity in what the annual foot check actually means. Those at increased risk of foot problems should be referred for an assessment by a foot protection service. Having multidisciplinary foot care teams in place can reduce the risk of amputation, but almost one third of hospital sites do not have one.

That is of particular significance to me, because along with my hon. Friend the Member for Heywood and Middleton, who will no doubt have more to add during the debate, I recently visited King’s College hospital diabetic foot clinic here in London, which provides some of the best diabetic foot care in the country, if not the best. Care such as that provided at King’s is unfortunately not universal. There are currently no national drivers to lower the rate of amputations across the country, of which we believe about 80% are avoidable. With the right care in place, such as acute multidisciplinary foot teams and a robust care pathway, amputation rates could be significantly reduced. Not only would that have significant cost-saving benefits for the NHS, but more importantly, the people involved would not need to go through such a life-changing experience.

I will briefly reflect on a gentleman my hon. Friend and I met during our visit to King’s College hospital. He was due to have an amputation at another hospital within 48 hours. He was then referred to King’s College for a last chance to have his condition reviewed, where he was told that he did not need any surgery, nor an amputation. When we saw him, he was almost completely cured of his foot problems. A huge amount of money and a huge amount of distress to that man were saved. Will the Minister please confirm that the Government are still committed to the 50% reduction that the Secretary of State spoke about and tell us when they expect to see figures showing year-on-year decreases? Will she tell us what they are doing to ensure that CCGs meet the NICE guidance, and how they can ensure that multidisciplinary teams such as that at King’s operate much more widely across the NHS? The benefits we saw that morning were absolutely clear.

There is a similar need to improve in-patient care. One in six people in hospital now have diabetes, but one in three hospitals have no diabetes specialist nurse and

an unacceptable number of in-patients experience diabetes-related harm while staying in hospital. Diabetes UK has pointed to evidence showing that specialist diabetes in-patient teams save three times what they cost the NHS to provide. Specialist teams make fewer prescribing errors and deliver better outcomes for their patients, so there are fewer expensive complications in hospital and shorter stays. Although most hospitals report increasing referrals and patient contacts, there has been no increase in staffing levels in diabetes teams.

I do not think that the number of in-patients who suffer diabetes complications while in hospital is acceptable, and I hope the Minister agrees. The national diabetes in-patient audit showed that 38% of in-patient drug charts had at least one diabetes medication error and 22% had at least one prescription error; that 30% of in-patients had one or more hypoglycaemic episodes, with nearly a third being severe; that 33% of people with diabetes did not think the staff looking after them knew enough about the condition; and that one in 10 hospital sites did not have any consultant time for diabetes in-patient care. Will the Minister tell us what action she intends to take to reduce those figures, assuming that the Government do not think they are acceptable?

David Simpson: We have heard education and early intervention mentioned. Does the hon. Lady agree that in order to help patients, and especially children—there is a reluctance for teachers to give insulin to young people within nursery provision and at primary school level—the mindset needs to change? We need to make sure that there is preventive medication as well as early intervention for children.

Paula Sherriff: I thank the hon. Gentleman for that intervention; once again, I agree with those points.

It makes sense both clinically and financially to improve access to diabetes self-management education. Managing diabetes well is time-consuming and can be complicated, but 69% of diabetics said they did not fully understand their condition. On average, people with diabetes spend only three hours a year with a healthcare professional. For the remaining 8,757 hours they manage their diabetes themselves, for which they need the right skills and knowledge—not to mention confidence. Diabetes self-management courses empower people with diabetes to take charge of their own care. Nine out of 10 people with diabetes who attended a course stated that they felt more confident about managing their diabetes afterwards.

Evidence collated by Diabetes UK shows that diabetes education courses reduce an individual's risk of developing serious and costly complications and prove very cost-effective. However, more than a third of CCGs do not currently commission specific courses for people with type 1 and type 2 diabetes, despite national guidance, and less than 2% of people newly diagnosed with type 1 diabetes—and just 5.9% with type 2 diabetes—attend a diabetes education course. Investing in diabetes education is the big missed opportunity in diabetes care. Will the Minister agree to look at what can be done to ensure that we do not continue to miss it?

Mr Jamie Reed (Copeland) (Lab): My hon. Friend is making a fantastic case. I speak as somebody who is a type 1 diabetic, the father of a type 1 diabetic and the

uncle of a type 1 diabetic. Does she agree that when we look at providing the education that she has talked about, we also need to give regard to the fact that such courses require a basic level of numeracy and literacy, so provision needs to be made for people accessing those courses to be given help in those disciplines in some cases?

Paula Sherriff: I thank my hon. Friend for his contribution; he speaks with a great deal of experience, having experienced diabetes himself. That is an incredibly interesting point, and I hope that the Minister will give her views on that issue.

Finally, we must tackle the significant variations in the care and support received by people living with diabetes. The postcode lottery is exacerbated by additional differences according to age and the type of diabetes. People of working age with type 1 diabetes receive considerably worse routine care than other people with diabetes. For example, although 41% of people with type 2 diabetes achieve the three treatment targets—on blood pressure, HbA1C, or haemoglobin A1c, and cholesterol—less than 20% of people with type 1 diabetes achieved them in 2014-15. Because of that variation, far too many people are experiencing short and long-term complications that have a huge impact on their health and quality of life and prove incredibly costly to our NHS.

The universal provision of healthcare is one of the founding principles of the NHS, and we have warned of the impact of wider Government policies on that, but there is also a specific issue in the case of diabetes. We should acknowledge that the Government have recently made some steps to improve care and address wider problems through the new improvement and assessment framework, but those measures will require sustained resources and national leadership. I hope that the Minister will outline not just a commitment, but some detail on how she will ensure that those intentions result in long-term action. In particular, will she tell us more about what support will be provided to CCGs that are identified as poor performers as part of the new improvement and assessment framework?

As well as better care to reduce complications and enable people with diabetes to live long and fulfilling lives, urgent action is needed to tackle the rise in type 2 diabetes. Nearly 12 million people are currently at increased risk of developing it. As obesity accounts for 80% to 85% of the risk for type 2 diabetes, the main strategy for reducing the rising prevalence of type 2 diabetes must be to tackle the rise in obesity. I welcome the NHS diabetes prevention programme—a joint commitment from NHS England, Public Health England and Diabetes UK—which will identify those at high risk of developing type 2 diabetes and refer them to evidence-based behaviour change programmes to help reduce that risk.

The first wave of 27 areas in that programme covers 45% of England's population, with the aim of supporting 20,000 individuals to reduce their risk of type 2 diabetes. Can the Minister give us any assessment of the programme's record to date? Will she confirm that it is due to cover the whole country by 2020 and that she still expects a full 100,000 places to be available on the programme each year?

The Obesity Health Alliance identifies three other priority areas for action that should be fundamental components of the forthcoming governmental childhood

[Paula Sherriff]

obesity strategy. They are restrictions on unhealthy food marketing, including a 9 pm watershed for TV advertising of junk food; the implementation of independent and mandatory reformulation targets to reduce the sugar, saturated fat and salt content in our foods; and the implementation of a levy on sugary drinks manufacturers. We have, of course, recently had some progress on the last of those, although the levy that the Chancellor of the Exchequer is implementing perhaps does not quite match up to that envisaged by public health campaigns. Perhaps the Minister can tell us more about that strategy and about the Government's views on the other policies put forward by the alliance.

The Government have also promised to take action to reduce childhood obesity, with the aim of publishing a childhood obesity strategy. The strategy was initially due for publication in autumn 2015 but has been delayed. The latest indication is that it is to be released in summer 2016, but quite frankly, they have been holding off for far too long already. Can the Minister give us a specific date for exactly when the strategy will be published?

I know that other hon. Members are keen to speak, so I will conclude by saying that, both as a former NHS worker for many years and as a member of the Select Committee on Health, I see this issue as absolutely critical for the future of our health service as a whole, as well as for the many thousands of my constituents who live with diabetes. There are a disproportionate number of diabetics in my constituency, so this is a big issue for the people of Dewsbury, Mirfield, Denby Dale and Kirkburton. I hope that the Minister has some answers today for them and for everyone who relies on our NHS.

2.49 pm

Derek Thomas (St Ives) (Con): I congratulate the hon. Member for Dewsbury (Paula Sherriff) on securing this vital debate on diabetes and related complications. This is important to me because my constituency, in particular, has a high level of diabetes-related amputations. As we have heard, diabetes is a significant problem for the UK, and it is right that the Government and the Department of Health have identified tackling diabetes as a priority for this Parliament.

The cost to people's quality of life is dramatic and an increasing number are having to manage the condition, which can make holding down a job or going about their normal daily business very difficult. Some 3.5 million people have been diagnosed with diabetes and a further 500,000 may have it but have not yet been diagnosed.

Diabetes costs the NHS approximately 10% of its budget, with one in five hospital admissions for heart failure, heart attack and stroke involving people with diabetes. However, the cost of supporting people with diabetes goes far wider when we start to consider the costs associated with adapting people's homes and workplaces following amputation or sight loss, for example.

The UK is a civilised, wealthy country and if more can be done, there is no real excuse for not doing it. We know that for many people, the risk of developing diabetes can be reduced through good diet and exercise, but this message must be communicated positively and early. Much more must be done to encourage outdoor

physical education and activity from an early age. We will not be forgiven for having a nation of children who accomplish good results in year 6 SATS, only for many of them to live with life-limiting conditions. For me, physical education is as valuable as numeracy and literacy.

Mr Gregory Campbell (East Londonderry) (DUP): On childhood obesity, does the hon. Gentleman agree that we need a generational change so that from this generation on we will raise young children with clear knowledge of the issues and the unfortunate and inevitable consequences of a sugary diet—so that we can try to prevent diabetes and make sure this is the last generation to suffer from this horrible affliction.

Derek Thomas: That is true, and I welcome that intervention. It is right to make the distinction between type 1 and type 2 diabetes. Type 1 often occurs in younger people and there is little, if anything, we can do about it other than manage the condition well. General practitioners in my area have teenagers and adolescents presenting with type 2 diabetes. The hon. Gentleman is right that to address the issue in the long term we must be positive and provide information and education that is sensitive, but honest and truthful. We cannot pussyfoot around when people's lives are at stake.

We have a responsibility to ensure that both those with type 1 diabetes and those with type 2 diabetes that cannot be avoided have easy access to the best treatment available and the best support, and can access modern devices that manage diabetes and reduce the development of further complications. Since arriving in this place in May 2015, I have attended several meetings and seen all sorts of innovations and devices that can be used, particularly by young people, to help them to manage their condition better.

In the past, I spent some time as a youth worker and I know it is a huge challenge to help young people with diabetes to manage their condition through finger prick tests and regular injections, and parents are frustrated that young people often do not realise the consequences of not looking after their condition well. New innovations and new devices must be made more available to them now because I believe they will embrace smart technology, which could be life-changing for children and young people who are managing a life-limiting condition.

We know that when diabetes is not well managed, it is associated with serious complications. I have referred to the cost of health and social care for diabetic patients. The tragedy is not just that 80% of these costs are spent on complications that are largely avoidable through better care, but that people's health and quality of life are unnecessarily deteriorating because sufferers are not always able to access the care that we know they need.

I was keen to take part in this vital debate and I appreciate the opportunity because the situation in Cornwall and the Isles of Scilly gives cause for concern. One of the most serious diabetes-related complications is amputation. Nationally, an average of 2.6 diabetics in every 1,000 have a diabetes-related amputation. In Cornwall and the Isles of Scilly, the average is 4.4 amputations per 1,000 people with the condition. This suggests that in my constituency alone, eight people each year have a lower limb amputation as a result of diabetes. Last year, 40 people in Cornwall had a lower limb amputation as a result of diabetes. We know that four in five of these

amputations could be prevented through better care, so six people in my constituency today could have avoided having a lower limb amputation in 2015 if everything we know about managing diabetes had been correctly applied. Six people's lives have been changed dramatically and their outcome is grave indeed. It is essential that we reduce the number of amputations, not least because we know that up to 80% of people die within five years of having a lower limb removed.

As the hon. Member for Dewsbury said, NICE is very clear about what CCGs should do to improve treatment for diabetic patients. Earlier this year I wrote to my clinical commissioning group in Cornwall, Kernow CCG, to argue that it should ensure the NICE recommendations are properly implemented. I am encouraged by the action it is taking, which it set out in its response to me. It says that figures to be released this month demonstrate that its efforts have reduced the level of amputations in Cornwall and the Isles of Scilly. That achievement would be a phenomenal and significant success, and something to celebrate.

However, there is a role for the Government in improving patient outcomes and it is not fair to leave everything to the CCGs. I have referred to the need for a positive message about how to improve our own health to reduce the risk of developing diabetes, but those who have diabetes and are at risk of a lower limb amputation need to benefit from a cultural shift in the profession. We need to get to a place where major lower limb amputation associated with diabetes or vascular disease is considered a failure of treatment rather than a treatment choice. A functioning foot with minimal surgery should be a success.

The Government must do more to ensure that patients with a diabetic foot are diagnosed earlier and are on the right patient pathway. More must be done to ensure the right professionals are in place. If patients are seen by podiatrists, diabetologists and interventional radiologists as early as possible, patients can be treated appropriately and their leg can be saved. This means ensuring everyone with diabetes gets good quality annual foot checks. We have talked about what that might mean and perhaps we need clarity on what an annual foot check entails. Everyone with a foot infection should be urgently referred to those specialists.

The best way for patients to have access to those specialists is through a multidisciplinary team, where healthcare professionals meet to discuss patients and treatment choices. That sounds simple, but too often different parts of the healthcare system operate in silos and that is particularly the case in some parts of the healthcare profession in Cornwall. It is crucial that the right members of the team meet regularly and that multidisciplinary teams are fit for purpose. It must not be just a tick-box exercise for NHS trusts.

Clinicians also need access to the right technologies when they intervene on patients with advanced forms of diabetic foot and critical limb ischaemia. Data show that the use of drug-eluting technologies, when used by vascular specialists, can improve outcomes for diabetic patients to the equivalent of those patients without diabetes. NICE is about to review its clinical guidelines for peripheral arterial disease and I hope the updated guidance will include recommendations for the use of drug-eluting technologies for critical limb ischaemia and intermittent claudication.

In conclusion, the Department of Health has said it will assess CCGs on their provision of structured diabetes education as part of the new CCG improvement and assessment framework. I would like the Minister to say today what support the Department will provide to ensure that CCGs identified as underperforming are able to improve access to structured education, and thereby increase the number of people with diabetes who have the skills and confidence to manage their own condition. As was said early in the debate, many people with diabetes across the UK could manage their condition with the right support, education and resources. It is absolutely right that we do everything we can to give every person with the condition the support that should be available to them and that they deserve to have.

2.59 pm

Chris Evans (Islwyn) (Lab/Co-op): It is an honour to serve under your chairmanship, Mr Pritchard. I, too, congratulate my hon. Friend the Member for Dewsbury (Paula Sherriff) on securing this debate on diabetes-related complications. Diabetes is a huge public health issue in highly developed countries such as ours, and the complications of diabetes, if left unchecked, can be life-changing and, ultimately, fatal.

Approximately 4 million people live with diabetes in the UK—that is one in 16 of us—and more than half a million of those are undiagnosed and unaware that they have a potentially life-threatening condition. About 700 people are diagnosed with diabetes every day and it is estimated that, by 2025, 5 million people will have the disease.

Although we are not quite sure what causes type 1 diabetes, which affects approximately 10% of those with the disease, we know that the far more common type 2 diabetes can be caused by lifestyle factors. In 2014, Public Health England said that 90% of adults with type 2 diabetes are overweight or obese, and that men are five times more likely to develop type 2 diabetes if they have a waistline of more than 40.2 inches, while women with a waistline of more than 34.7 inches are three times more likely to develop the disease.

The link between unhealthy lifestyles and a higher risk of diabetes is clear and very well established. Is it any wonder that diabetes is on the rise when it is easier to live a sedentary lifestyle and eat unhealthily? We have more temptations, in terms of food, than ever before. The principle that prevention is always better than cure is particularly apt when we are thinking about diabetes and the serious complications that can arise from the disease.

In the first instance, it is imperative that everything that can be done is done to ensure that children and young people who have not yet developed the disease or become overweight are encouraged to lead healthy lifestyles. Schools have a very important part to play in that. They must ensure that pupils and parents are made aware of diabetes, including the causes of the disease and what might happen if they develop it. Sport in school is a fantastic way to get young people active, yet a University College London study in 2013 found that, of the 6,500 seven-year-olds included in the study, only 51% achieved the recommended hour of physical activity every day. That situation simply has to improve.

[Chris Evans]

Although physical education lessons in schools often focus on competitive sports such as football, hockey, rugby and netball, they should also put emphasis on general fitness training. Schools should also be given the tools and resources that they need to encourage after-school sports clubs in addition to community-run sports clubs. The Rhymney Valley athletics club, based in my constituency, is a fantastic example of a community-run sports club for children and young people. On the occasions when I have had the opportunity to visit it, I have always been impressed by the enthusiasm of the coaches and the positive atmosphere that they create, which is impressed on the children. The number of children taking part is growing quickly, simply because they enjoy going. Whether they know it or not, by taking part in physical activity, they will be reducing their risk of type 2 diabetes and, more importantly, having fun along the way.

However, parents must bear much of the responsibility for ensuring that children lead a healthy and active lifestyle. It may be easier for parents to allow children and teenagers to eat sugary, high-fat treats with low nutritional value and drink sugary pop, but that puts their health at risk in the long term. The new tax on high-sugar drinks that was announced in March is a welcome step in the direction of tackling child obesity, and I hope that parents will take the message on board by encouraging children and teenagers to drink and eat more healthily. One of the most important skills taught to me by my mother was the ability to cook my own food—not to rely on ready meals, a takeaway or the fish shop, but to go home of a night and make myself a meal.

If young people do not develop a healthy lifestyle while they are at school, it is reasonable to expect that they will find it much harder to do so once they have left. If we make a serious effort to point children in a healthy direction from an early age, we will give them the best possible chance to avoid becoming overweight. It follows that, if they do not become overweight, they are less likely to develop diabetes and, as a result, less likely to suffer health complications caused by the disease.

Adult obesity in the United Kingdom is showing a sustained upwards trend. By 2014, more than 28% of adults were considered clinically obese, and that is expected to rise to one third by 2020. Overall, 62% of adults in the UK—a significant majority—are classed as overweight or obese. That is the third highest level in western Europe, and it is not a league table we particularly want to be at the top of. It is clear that, if we are to tackle excess weight and obesity to tackle diabetes, radical public action must be taken to reduce the UK's average waistline.

A key reason for increasingly sedentary lifestyles is the rapid growth of office and desk work during the past few decades. Employees stuck behind a computer screen for most of the day do not get the opportunity to exercise, which we know is vital to maintaining a healthy weight. Perhaps great benefit would be gained if employers were incentivised to incorporate physical activity into office work or to set aside time during the working day for the desk-bound to exercise. The expansion of accessible after-work exercise clubs for all would also be a huge and radical step forward.

Incentives should be given for healthy eating. When living on a budget, as so many people are, it is often cheaper to eat unhealthily than healthily. That extraordinary situation must be turned on its head. Equally, disincentives such as the sugar tax should be used to discourage unhealthy eating. Only once we as a country have truly got to grips with our weight and obesity problem will we be able to prevent the very serious health complications caused by diabetes.

3.6 pm

Liz McInnes (Heywood and Middleton) (Lab): It is a pleasure to serve under your chairmanship, Mr Pritchard. I am grateful to my hon. Friend the Member for Dewsbury (Paula Sherriff) for securing this important debate. We both have a background of working in healthcare and we share an interest in health issues, particularly when it comes to health inequalities and postcode lotteries of healthcare provision.

As my hon. Friend said, we recently visited the excellent diabetic foot clinic at King's College hospital. I will be honest: when I received the invitation, it was only my interest in diabetes that led to my accepting it. I did not expect to come away from a diabetic foot clinic feeling inspired, but inspired I most certainly was. I spoke to the doctors, nurses, healthcare assistants, researchers and, most importantly, the patients. I heard from patients whose limbs had been saved from amputation by the amazingly skilled, dedicated and knowledgeable staff—patients who had arrived at the foot clinic clutching letters from their doctors that stated, "There is no alternative other than to amputate this limb." Those patients were lucky because they had talked to people such as diabetes specialist nurses, who had suggested that they consult the diabetic foot clinic to get a second opinion.

We spoke to a farmer from Kent who had been kicked by one of his cows. He had a wound on his foot that would not heal and he had been advised by the hospital that a below-knee amputation was the only solution. The farmer talked to us about his family farm, about how he would have been unable to carry on working had the amputation gone ahead and about how grateful he was for his referral to the foot clinic. The staff there had been able to treat the wound and it was well on the way to recovery by the time we saw it. They had saved his limb and consequently his business and his family's livelihood, with all the concomitant savings to the NHS. So many of the people we spoke to told us stories like that; he was just one of them.

I was absolutely blown away by the incredible work done by that clinic, but, as has been pointed out, the care provided there is not universal and there are currently no national drivers to lower amputation rates across the country. It has already been stated that four out of five of these amputations are avoidable. I particularly liked the comment by the hon. Member for St Ives (Derek Thomas) that we should aim to get to a point at which amputation is seen as a failure rather than as a form of treatment.

My hon. Friend the Member for Dewsbury has quoted quite a lot of my speech. [Laughter.] So I will be brief. She referred to this, but it deserves repetition. In 2013, the Health Secretary committed to reducing the rate of diabetes-related amputations by 50% over five years.

The amputation rate has in fact remained steady. Little progress appears to have been made towards the commitment. I do not think it does any harm to repeat that point and to hope for a response.

Mr Jamie Reed: My hon. Friend is making an excellent point. Does she agree that there is a regional dimension? There is a GP shortfall of 40% across the north of England. If the gateway treatment for type 1 and type 2 diabetes is through primary care and accessibility is limited in certain parts of this country, clearly, we will get much worse outcomes.

Liz McInnes: I thank my hon. Friend for that intervention. He is absolutely right. In my own constituency of Heywood and Middleton, I have also come across the problem of people being unable to get access to GPs. I am a member of the all-party group on diabetes and we have come across the problem time and again.

Patients have told the APPG that, when they first went to see the GP with the full-blown symptoms of diabetes, the GP took weeks to diagnose them. We have a real problem with GPs' awareness of the condition of diabetes, even though it is common. Perhaps it is just the patients who come to our APPGs, but they all seem to come with the same tale, so perhaps there is a job of work to be done to standardise GPs' education on diabetes.

We have touched on the subject of variations in care around the country. Because of the regional variations, far too many people are experiencing short and long-term complications, which can have a huge impact on their and their family's quality of life. It is also very costly to the NHS.

I want to talk about a major clinical audit that is going on at the moment, the national diabetes audit, which measures the effectiveness of diabetes healthcare against NICE clinical guidelines and NICE quality standards in England and Wales. That audit provides an overview of the quality of diabetes care at national, clinical commissioning group, acute trust and GP practice levels. Through the collection of the data, the national diabetes audit can produce reports for a range of stakeholders to drive changes and improve the quality of services and health outcomes for people with diabetes.

Again, we see regional variations in participation in the national diabetes audit. The latest NDA report produced in January this year showed that participation in the audit had dropped to 57%; it is thought that that can be attributed to a change from an opt-out to an opt-in system for GP practices, plus variations in the ease of use of the three different IT systems used by GP practices. I am very disappointed to say that, in my constituency, which is covered by the Heywood, Middleton and Rochdale CCG, not one GP practice is participating in the national diabetes audit. It is really important that participation be improved; better data help CCGs to more effectively set priorities and evaluate improvements. If we are not collecting the data, there is no way we can plan for improving the outcomes for people with diabetes. NHS England should make participation in the national diabetes audit mandatory as an important step towards improving diabetes care.

Several Members have already talked about the importance of education. An important aspect of avoidance and prevention of complications of diabetes lies in

educating diabetics to help them to better understand and therefore manage their condition. With 69% of diabetics saying they do not fully understand their condition, there is clearly a need for education to be made available and accessible.

As has already been pointed out, more than a third of CCGs do not currently commission specific courses for people with type 1 and type 2 diabetes, despite national guidance. In my own constituency, only about 20% of people with diabetes are offered a course, and the take-up is alarmingly low, at around 6% to 7%. One reason that people give for not taking up the offer of a course is that their employer will not give them time off to attend. There is a real job of work to be done to persuade employers that supporting their employees to attend the courses will have all-round benefits for the employer and the employee in terms of reduced sickness absence and a healthier and more productive employee.

I know that the Minister shares my interest in promoting diabetes education, which is key to preventing the major complications of diabetes. I am interested to hear her views and whether she has any plans to improve access to education.

3.15 pm

Ronnie Cowan (Inverclyde) (SNP): It is a pleasure to serve under your chairmanship, Mr Pritchard. I thank the hon. Member for Dewsbury (Paula Sherriff) for securing this debate.

I unashamedly turned to a much more informed source of information than me while putting this speech together. My sister, Linda Irvine, has been an insulin-dependent diabetic for 36 years. She knows the system inside out and has experienced the good and the bad of the NHS. In that time, she has seen many changes in the treatments provided. In 1980, she was fortunate to be diagnosed on what she considered the cusp of change. She had been subjected to horror stories of painful injections and severe restrictions in diet, along with a lack of understanding from doctors and nurses not familiar with the medical condition. In those days, injections were delivered in glass syringes with barbaric steel needles, which had to be kept steeped in methylated spirit and which obviously restricted away from home activities. Insulin was bovine or porcine and the peak effect of it was three to four hours after administration, making the timing of meals a bit of guesswork.

Shortly after my sister's diagnosis, a new synthetic form of insulin, termed human insulin, was laboratory-developed. That made it cheaper to produce in larger quantities. From 1982, human insulin started to replace animal insulin as the primary treatment. It was developed further in the 1990s and now starts to take effect within 30 minutes of injection, making control of blood sugars more predictable. Syringes also became plastic, smaller and had finer needles: much easier to carry on you if you were out. Syringes have now been replaced by pre-loaded pens that are much more convenient and easier to draw up.

The introduction of insulin pumps is also an increasingly available initiative that Linda benefited from during her last two pregnancies, but she was unable to keep them because of an allergic reaction to the needle. She was not born lucky. Food was also a big problem in those days, with no light or sugar-free options on the market

[Ronnie Cowan]

and diabetic drinks or biscuits available only in chemist shops. They were overpriced and frequently unpalatable. Nowadays, there are many options and most are readily available in high street stores.

We might think that nowadays it is all plain sailing, but unfortunately it is not. Diabetes complicates life immeasurably. It takes the spontaneity out of everyday activities, particularly with children and grandchildren. “Can we go to the park?” “Wait till I’ve checked my blood sugar.” “Can we go swimming?” “I need something to eat first.” “Why do we have to leave? We’ve only just got here.” “I’m due a meal soon.” On occasions, after she had injected, usually in a public toilet, and when the restaurant service was very slow, she would slip into a hypo. “Why are you sliding down the seat, mum, and heading for the floor?” It is not only mums who suffer from diabetes. All four of my sister’s children were able to dial 999 and tell the operator that she was diabetic by the age of three.

If we are leaving the house now, Linda carries a large bag with two insulin pens, needles, blood monitor, testing strips, lancets, a bottle of Lucozade—other drinks are available—and some kind of carbohydrate such as a packet of crisps or a sandwich to have in case her blood sugars go too low. She always carries a card explaining that she has diabetes and two emergency phone numbers in case she collapses.

Travelling abroad through different time zones can really complicate matters, too—not to mention the embarrassment of carrying syringes through airport security. As for dietary requirements on airlines—don’t go there. Of course, another area of concern is driving. As with most medical problems, insurance is always steeper and more complicated, DVLA requirements more stringent, and licences harder to acquire and keep.

What does my sister have to look forward to? The long-term problems of diabetes are well documented: cardiovascular disease, kidney damage, foot problems, eye disease, nerve damage, tooth and gum disease, thyroid problems, skin problems, constant infections and, unsurprisingly, mental health issues. It is therefore a cause close to Linda’s heart that the treatment of children with type 1 diabetes should be as up-to-date as possible, to ensure that their exposure to long-term problems is minimised.

Linda is now waiting for a kidney and pancreas transplant. Current research involves stem cell transplantation and chimera pigs where embryos are created with organs hopefully compatible for human transplant. Of course that is controversial and raises all kinds of ethical questions. But what if it was your child? What if it was your sister?

3.20 pm

Martyn Day (Linlithgow and East Falkirk) (SNP): It is a pleasure to serve under your chairmanship, Mr Pritchard. I congratulate the hon. Member for Dewsbury (Paula Sherriff) on bringing forward this timely debate. It is encouraging to hear such consensus across the Chamber today. She gave an informed and comprehensive presentation, and I was grateful to hear it. I speak, obviously, as a Scottish Member, and many things are devolved there, but the scale of the problem is remarkably

similar in Scotland; 10% of our NHS budget is likewise devoted to treatment of preventable diabetes-related conditions, and those costs continue to rise, as has been noted for England.

I was somewhat shocked by the figure for the number of deaths, which I had not considered before. I am sure that that will strike many people. We think of the life-affecting changes that people go through, and the fact that lives are shortened, but not necessarily of the resulting deaths. The hon. Member for South Down (Ms Ritchie) summed things up in her short comment about the need for early intervention; she hit the nail on the head. That, undoubtedly, is what we need. I was impressed, also, by the remarks of the hon. Member for St Ives (Derek Thomas). I thank him for the figures he gave about the one in five heart and stroke-related admissions to hospital, and for what he said about costs, adaptations that are required, and effect on quality of life. It is important to consider those things together. One of the few optimistic comments that I have taken from the debate is the statistic that four in five amputations are avoidable. I hope that that message will get out to people.

I have not been diagnosed as diabetic, but my lifestyle is somewhat appalling, and perhaps I should get myself checked. Obviously people of both genders should be checked, but perhaps males in particular should take more care. Maybe there are lessons for other people. I was somewhat cheered by the comments of the hon. Member for Islwyn (Chris Evans). It made me slightly more optimistic to hear about the 40.2 inch waistline. I thought, “I’m a bit below that.” However, it does not fully mitigate the diet. I think perhaps that there are many others who will not consider 40.2 inches as a particularly large waistline. When we think about the connection to obesity, which is important, we tend not to think of ourselves as obese even when there is an issue. Several years ago, I was 6 inches bigger than I am now: I did not think I was large at the time. My mother, of course, always commented that I was, and she was probably proved correct. If those figures got through to the wider public they might think, “Yes, that does affect me”—or whoever they know who is in that position. It is important that people see that.

We can probably agree that diabetes is the fastest growing health threat of our time. That is certainly how it appears. The Scottish National party is committed to ensuring that in Scotland people with diabetes have access to the best possible care, and it aims to reduce the risks of complications. There have been a number of reports, an action plan in 2010 and an improvement plan in 2014. The statistics are very similar to those we have heard. One in 16 people has diabetes—diagnosed or undiagnosed. Since 2008 we have seen a 25% increase in the number of Scots with the condition, which accounts for 5.2% of the population. That is largely in line with figures from England and Wales. However, a more frightening aspect of the Scottish dimension is the fact that a further 500,000 are at high risk of developing type 2, and a further 1.1 million are at an increased risk as a result of their waist circumference. I am grateful that I now have a set of statistics to put that in perspective. That figure represents one in five adults, which seems typical, going by figures for elsewhere in the UK. Of course, the connection with obesity cannot be underlined strongly enough. Similarly, 80% of our

NHS spending on diabetes is invested in treating avoidable complications—amounting to the same 10% of the budget.

One of the keys to avoiding manageable complications through diabetes is, as has been said, early prevention. Approximately 80% of complications in Scotland are estimated to be preventable, or can be significantly delayed through early detection, good care and access to appropriate self-management. That involves reaching the people who are at risk and supporting them in knowing the risks of poor diet and low levels of physical activity. Among the positive things that are happening are volunteer groups, including the Diabetes UK West Lothian group in my area, which supports people living with the condition through several different schemes. It has NHS support through St. John's hospital in Livingston. Exercise groups are provided, and they include a session of seated exercise for people who have limited mobility. There is also a GP referral service entitling people to free or heavily discounted memberships at Xcite West Lothian gyms. Again, that is probably not well enough known about in my area and it could be taken up more. That is all part of the push to support people, and to further prevent complications arising from diabetes.

There is much we can agree on, and much good practice, as well as many frightening statistics out there.

3.26 pm

Justin Madders (Ellesmere Port and Neston) (Lab): I congratulate my hon. Friend the Member for Dewsbury (Paula Sherriff) on securing this important debate and on the eloquent and powerful way she set out the issues in her opening speech. Several hon. Members have echoed what she said, and I will no doubt repeat it to an extent. After just a year as an MP she has established herself as one of the most effective campaigners in this place, and she is a passionate advocate on a range of issues—particularly public health matters. She spoke of her visit to King's College with my hon. Friend the Member for Heywood and Middleton (Liz McInnes), and described the excellent care there, as well as mentioning the fact that, sadly, that experience is not replicated throughout the country. She highlighted the cost of diabetes and described education as a missed opportunity to reduce complications. That is a theme that has come through in several of the contributions today.

I also want to mention the contribution from the hon. Member for St Ives (Derek Thomas), who made a powerful point about what kind of future the next generation is heading towards, if we do not put more focus on the issue now. He gave us constituency-specific figures on amputations. I wonder whether all hon. Members would be interested to find out the specific figures for their constituencies. They really bring the issue home. I agree with the hon. Gentleman that the matter should not just be left to CCGs, and that there is a need for more co-ordinated national support. He was also right to say that we should aim to reach the point where amputation is seen as a failure and an exception.

My hon. Friend the Member for Islwyn (Chris Evans)—I hope that is the right pronunciation of his constituency—

Chris Evans: Someone once said it as “insulin”.

Justin Madders: We could have been forgiven for making that error today, but we will talk more about pronunciation afterwards. My hon. Friend spoke with

great sincerity about the benefits for children of taking part in sport, and about how once they get into it they can enjoy the physical activity. I know from experience that dragging kids off the Xbox can be a difficult challenge, but once they actually get out there they enjoy themselves, and that contributes to a healthier lifestyle. He also made a valuable point about the world of work, in that so many more jobs are now sedentary in their nature. Of course, a healthy workforce is a more productive one, and productivity is a challenge for the whole country.

My hon. Friend the Member for Heywood and Middleton spoke with great experience of health. It was great to hear that she had been inspired by her visit to King's College. She spoke about the national diabetes audit, and the importance of using the data collected to drive improvements. Again, she highlighted the need for more education. It was interesting to hear that some of her constituents have difficulty attending some education courses because employers are not agreeing to give them the time off. It will be interesting to hear the Minister's reflections on that and it comes back to the point about a healthy workforce being a more productive one. We really need to get that message across to employers.

The hon. Member for Inverclyde (Ronnie Cowan) spoke about his family's experience and gave us a useful personal insight into the everyday challenges faced. We can all reel off the figures but hearing from someone who has had a close relationship with the condition for a considerable length of time brings home some of the practical challenges that people face.

There is a consensus, as the hon. Member for Linlithgow and East Falkirk (Martyn Day) said. All hon. Members acknowledge that diabetes is one of the most significant healthcare challenges, given the impact that it has on NHS resources and, more importantly, the impact it has on people. We heard very powerful details of that today.

To put the condition in perspective statistically, 45 people in the UK will have been diagnosed with diabetes in the time it takes to complete today's debate. In that time, one person will have undergone a diabetes-related amputation and four people will have died prematurely due to diabetes-related complications. According to figures produced by Diabetes UK, there are currently 4 million people living with diabetes in the UK, of whom 549,000 are undiagnosed.

The number of people with diabetes is increasing, as various hon. Members have said, and it has more than doubled since 1996. More than doubling the number of people with any condition in 20 years is bound to lead to serious questions about how our society is operating. Indeed, several hon. Members have given some good examples of the challenges we face. Part of our role is to question and support, where possible, how the Government respond to those challenges, particularly when we are talking about something that can be preventable. The level of interest shown by hon. Members today shows that there is at least recognition and agreement that the issue demands significant attention.

The number of people with a diagnosis is huge, as is the cost to the health service. The NHS now spends about £10 billion on diabetes each year, which is equivalent to about 10% of its budget, and £8 billion of that is estimated to be spent on complications, which, as we have discussed, are largely avoidable. Diabetes is an

[Justin Madders]

important issue to tackle at any time but, when we have such financial pressures on the NHS, it becomes even more pressing to really get on top of trying to avoid the complications it can cause.

At the heart of the issue are the people involved. Although many are able to manage their diabetes effectively, it is still a life-changing condition that has an impact on those living with it on a daily basis. We heard from the hon. Member for Inverclyde about how it really has an impact not only on the individual, but on their family. For somebody with type 2 diabetes, managing their condition means learning how to treat it with diet and exercise, and possibility coming to terms with the need to take medication and insulin. For someone with type 1 diabetes, it means constant diet management and carefully working out the correct amount of insulin to take. However, for everyone living with diabetes, it means being aware of the potential complications that can occur, and keeping a careful watch not only on blood glucose levels, but on cholesterol, weight, blood pressure and the conditions of eyes and feet.

Put simply, living with diabetes means becoming an expert on the condition. Despite that, less than 2% of newly diagnosed individuals with type 1 diabetes, and just 5.9% of those newly diagnosed with type 2 diabetes, attend a diabetes education course, which is a theme that has been mentioned by various hon. Members. Those figures alone are disappointing, but they are even more so given that there is clear evidence that the courses reduce the risk of individuals developing complications, and given the fact that a worrying 69% of people say that they do not fully understand their diabetes. The very nature of the condition means that self-management is the only practical way to reduce the risk of complications.

We welcome the publication of the Government's new improvement and assessment framework for CCGs, which will assess CCGs on the attendance of structured education schemes and on the NICE recommended treatment targets. Will the Minister tell us what steps the Government are taking to improve access to diabetes self-management education, what steps she envisages taking against CCGs that perform poorly in the improvement assessment framework, and what support will be available to those identified as poor performers in order to bring them up to what is considered best practice?

Mr Jamie Reed: Does the shadow Minister agree that some consideration ought to be given to the funding allocation for CCGs with particularly large concentrations of people with type 2 diabetes, which is, after all, linked to obesity and lifestyle, especially considering that obesity is increasingly statistically linked—there is a clear correlation—with the incidence of poverty and socioeconomic disadvantage? Does he agree that CCGs with those significant populations should have their funding allocation reviewed?

Justin Madders: I agree that that needs due consideration. In some written answers, the percentages of people with diabetes per constituency are shown, and there are some definite peaks and troughs. If we are to get the issue under control, we must think more strategically about where the resources are put.

At the moment, a third of CCGs do not commission specific courses, which is contrary to national guidance. I hope that the Minister will be able to tell us what she will do to try to end the current postcode lottery. One of the most convenient and effective sources of education for many people with diabetes is their local pharmacy. There is a need—possibly, a demand—for expanding the role that pharmacies play in supporting people with diabetes. What are the opportunities and possibilities for thinking again about the Government's plans to slash the community pharmacy budget, which may lead to the closure of up to 3,000 sites?

More significant than the variation in education is the variation in the levels of care and support offered depending on location, the age of the patient and the type of diabetes. There is evidence of markedly different routine care throughout the country, which has a huge impact on the quality of life of diabetics, as well as being costly to the NHS. One in six people in hospital has diabetes, yet one in three hospitals has no diabetes specialist nurse. The national diabetes in-patient audit paints a worrying picture of the variations in the way in which the condition is managed by hospitals, and the unacceptable number of in-patients suffering avoidable complications.

Some of the most serious diabetes-related complications are avoidable amputations and foot ulcers. We have heard that £1 in every £150 that the NHS spends is in that area, and such action has a dramatic, life-changing impact on individuals and their families. As my hon. Friend the Member for Dewsbury said, in 2013 the Health Secretary committed to reducing the rate of amputations by 50% in five years. Will the Minister tell us what progress has been made towards achieving that goal, particularly given that Diabetes UK has said that no progress has really been made? Will she confirm that she still hopes to meet that target?

NICE recommends that all people with diabetes undergo an annual foot check but, in the worst performing CCGs, one in four people are not receiving a foot check at all. Part of the reason for that is the shortage in the number of podiatrists, particularly following a recent reduction in the number of students from 361 to 326. I am concerned that the plan to scrap bursaries for podiatry students and to push them into about £50,000 of debt will make the situation even worse. I ask the Minister to reconsider the direction of travel on this policy. Will she advise us what assessment has been made of the likely number of podiatrists who will be trained each year under the new funding regime?

I will close by making a few remarks about prevention. As I said at the beginning of my speech, the number of people suffering from diabetes continues to rise. The primary driver of that is, of course, lifestyle. Some 11.9 million people are currently at an increased risk of developing type 2 diabetes as a result of their waist circumference or weight. Two in every three people in the UK are now overweight or obese. As other Members have said, people might not necessarily feel that that relates to them, but we must reflect on those figures. Obesity accounts for 80% to 85% of the risk of developing type 2 diabetes, and therefore we need to focus on education and treating the condition. The main strategy to address the prevalence of type 2 diabetes has to be to address the rise in obesity, particularly at a young age, as the hon. Member for St Ives said.

We welcome the Government's announcement of a sugar tax in the Budget, but that measure will only be effective as part of a wider strategy to address childhood obesity. I do not know whether the Minister will be able to tell us, but what is holding back the publication of the strategy? Is there disagreement on what will be in it? Is it at all possible for her to give us a date for when it will be published? *[Interruption.]* I suspect I have my answer from the grin on her face.

Both sides of the House are alert to, and supportive of, the need to get on top of this challenge but, as with all such matters, the Government will be judged by the results, on which we will keep a close eye in the coming years.

3.41 pm

The Parliamentary Under-Secretary of State for Health (Jane Ellison): It is a pleasure to serve under your chairmanship, Mr Pritchard. What an excellent debate we have had, and I thank the hon. Member for Dewsbury (Paula Sherriff) for securing it. She is a passionate health campaigner and has made her mark in a very short time in the House. This is the second time I have seen her today, as I gave evidence to the Select Committee on Health this morning. It is excellent to see so many colleagues from both sides of the House in the Chamber today.

Diabetes-related complications are a vital issue and, sitting here, I agreed violently with much of what was said about the scale of the challenge, the need to step up and, indeed, some of the things that we need to do. I hope to use my time, as much as possible, to update the House on practical measures that the NHS and the Government are taking, as well as to hint, where I can, at policy yet to come. There is more to be said later in the summer on some areas. One reason why it is so important to have such debates is to keep up a drumbeat of discussion. One thing I have realised as a Minister is that momentum is a funny thing in politics.

Mr Jamie Reed: It certainly is.

Jane Ellison: I make no comment. Political momentum is important because it drives change in a way that is hard to pin down. We now have momentum on obesity and diabetes in a way that we did not a few years ago. The level of interest in this House is a good measure of that, so it is vital that we have such debates. It is also a measure of how seriously we take diabetes that we have included reducing diabetes care variation and preventing diabetes in the NHS's mandate—it is right at the heart of our big asks of NHS England.

Before I continue, I take this opportunity to pay tribute to the many NHS staff who provide invaluable support to patients. Inevitably, in a debate where we are rightly stress-testing the system and asking where we can improve, it is easy to forget that masses of people out there are doing brilliant work. We have heard inspiring words today from two colleagues about their visit to see real specialists in action. Across the country there are people supporting patients with diabetes. There are also excellent third sector organisations such as Diabetes UK, with which we work closely, and JDRF, which does such great work on type 1. They both work

with and independently challenge the Government, all with the aim of improving the lives of those with diabetes or at risk of it.

Paula Sherriff: Although I appreciate that the Minister undoubtedly has an incredibly busy schedule, I encourage her to contact the diabetes foot clinic at King's College hospital in London to arrange a visit. As my hon. Friend the Member for Heywood and Middleton (Liz McInnes) said, our visit was inspiring. I came away with much knowledge and real hope that we can make improvements.

Jane Ellison: I sat here thinking how interesting the visit sounded. My team has made a note of that. We had heard about the visit and how it had gone well, so it is great to hear that first-hand from the hon. Lady.

I will not repeat the shocking facts on diabetes, which have been well rehearsed and explained by Members in this debate, but suffice it to say that the impact is huge. My hon. Friend the Member for St Ives (Derek Thomas) and others have made notable contributions drawing out the human cost of diabetes. People tend not to understand how devastating diabetes can be for patients and families, as well as the cost to the NHS, which in England we estimate to be £5.6 billion a year.

We have to work together to address diabetes. Before I talk about the action we are taking now and the progress we need to make, it is worth noting that we have come a long way. I have discussed that in some detail with our national clinical director, Dr Jonathan Valabhji, over the past year. The progress we have made through the quality and outcomes framework over the past decade has driven a step change in delivering better management and care for people in GP practices. Last year's National Audit Office report showed that the relative risk of someone with type 1 or type 2 diabetes developing a diabetes-related complication has not changed, and indeed has fallen for most complications, despite the growing number of people with diabetes, so we have made progress. Clearly, the question now is how we can go much further. Diabetes is a key priority for us, and we want to see a measurable difference in the lifetime of this Parliament. There are four main areas in which we are taking action.

Mr Jamie Reed: Before the Minister moves on to the progress that is being made—she is right that we have come a long way over the past 10 years—will she undertake that the Department will consider not just the cost to the NHS of all diabetes-related complications, because we have been talking about this from a very NHS-centric point of view, but the cost to the economy of such complications?

Jane Ellison: We have been preparing and working on the childhood obesity strategy for some months, and I assure the hon. Gentleman that we have been looking at the wider cost to society and, obviously, projecting that forward, as has been done by many other economies in the developed world. There is an interesting piece by the McKinsey Global Institute on the cost to the developed world.

Specifically in the NHS, and going to the heart of the debate, there are four main areas in which we are taking action that we expect to deliver reductions in complications:

[Jane Ellison]

reducing variation in the delivery of the three NICE treatment targets for blood pressure, blood glucose and cholesterol control; improving the take-up of structured education; improving foot care; and improving in-patient care. Reducing variation is always a theme of health debates and, frankly, it is a constant challenge in any system. The question is how we drive out variation, and Members have made a good point about how we support people to drive out variation. One of our goals for 2020 is a reduction in such variation in the management and care of people with diabetes.

The newly established CCG improvement and assessment framework has been mentioned by a number of Members. Diabetes is one of the clinical priorities in that framework, which will play a key role in delivering the challenge to variation. The chief executive of Diabetes UK is the chair of the panel of independent experts who are involved in the assurance process for that rating system. Diabetes is high on the IAF agenda. The framework will identify CCGs in need of improvement, and then NHS England will work with those CCGs to identify the nature of the changes needed and the type of support required to facilitate those changes.

To give some idea of the support available, we will be working with CCGs to consider the nature of the tasks they need to address. A key focus will be to help CCGs to map how their services compare with those in similar areas, to help them look at best practice from which they can learn and to introduce specific peer support through other programmes. CCGs will be supported in practical, hands-on ways. As we build the data picture of what is going on, we obviously need to support CCGs as they discover that they have variation, of which they may not even have been fully aware.

There are other areas not covered by the IAF that the Public Health England “Healthier Lives” website addresses. I encourage people to look at the vast amount of publicly available data for their local area. NHS Right Care is an important programme that has reducing variation at its core, and it is there to help CCGs and other partners to make step changes in the way they improve care. It will be very focused on diabetes care, and it has been improving services. It will be rolled out to all CCGs over the next 18 months, with practical support and sharing best practice at its heart.

The hon. Member for Heywood and Middleton (Liz McInnes) and I have discussed structured education, and I share her frustration. Essentially, we know that structured education works and that it is being offered to far more people, but that take-up is low. We cannot keep doing the same thing; we must look at things differently. For example, working people with diabetes straight away pose a challenge involving the amount of time that they can take to attend a course. We want to improve take-up. We know that structured education makes a difference to people’s quality of life and, importantly, reduces their risk of developing complications, but we also know that we are not where we need to be.

It is one of my personal priorities to change that. The Department is working with NHS England and Diabetes UK on ways to improve the take-up of structured education, particularly by considering more diversity of provision through digital and web-based approaches, as well as what can be done to improve access to more

traditional forms of support. Again, the improvement and assessment framework includes an indicator for the number of newly diagnosed diabetes patients who attend a course. However, we have to make it possible for CCGs to refer people to a course that they think is likely to be taken up. There is something in why such courses are not commissioned as much as they should be: people are aware of low take-up and it is a vicious circle. We need to address that. Next week, an expert round table is taking place with the national clinical director. It will consider options to update structured education, potentially including working with employers, and practical actions that we can take to overcome barriers. I expect to be able to say more about it in due course.

We regularly discuss improving foot care. Particularly for people with late-stage diabetes, it is a challenge and a threat, for reasons that have been well explained. The number of amputations is unacceptably high, and we want to reduce it. NHS England is working with a number of key stakeholders to publish a new framework to improve the delivery of hospital-based diabetic foot services. The framework makes it clear that all patients with diabetic foot problems should have rapid and equal access to services, and describes for commissioners what key elements are in place that they need to commission. The new national diabetes foot care audit provides data on all diabetic foot care services so they can measure their performance against the NICE clinical guidelines.

I note the concern expressed about the survey and the lack of take-up. NHS England is taking action on the issue of GP participation, but I might ask NHS England to write directly to the hon. Member for Heywood and Middleton to say specifically what it is doing, because I share her concerns about having the fullest possible picture. Again, transparency of information, along with improvement support through initiatives such as Right Care, will drive improvement. Interestingly, the variation on amputations does not follow many of the traditional patterns in terms of the burden of disease that we see in some other areas. We need to be able to examine the information at quite a local level, as support for patients is variable even within local areas, and we must expose that.

On inpatient care, the NHS’s focus is on ensuring that all hospitals have inpatient specialist teams to assess and help to manage inpatients with diabetes. Again, if we get that right, it can lead to a significant reduction in complications.

I will say a few words about prevention, as it is at the heart of any public health Minister’s agenda. Preventing people from developing type 2 diabetes in the first place helps to take them off the conveyor belt that can lead ultimately to complications and all the burden of disease that we have been discussing. At all points along that conveyor belt, there are things that we can and must do, and are doing, to make life better for people with diabetes. For example, I welcome the increasing focus of our major charities on prevention and explaining the role of prevention in fending off some of the most serious diseases from which people suffer.

Healthier You, the NHS diabetes prevention programme, goes to the heart of tackling the rising prevalence of diabetes. Around 90% of adults with diabetes have type 2, and an estimated 80% of cases of type 2 are related to lifestyle; as Members have said, it is a huge

factor. The national diabetes prevention programme is, we think, the first at-scale diabetes prevention programme to be delivered anywhere in the world. This year it will refer at least 10,000 people to an evidence-based behaviour change intervention that has been proven through randomised controlled trials to reduce the risk of type 2 diabetes.

I can confirm that the programme will be made available to up to 100,000 people by 2020. I know that there is great interest in it. We are learning from the seven demonstrator sites, which tested different approaches over the past year. Although the nature of the intervention is essentially common, there are different ways to deliver it, and we have learned a great deal. We are taking a phased approach, and the first wave of 27 areas covering 26 million people, or half the population, will open their doors to patients in the next few months and throughout 2016.

We are building up at pace. The interventions offer tailored, personalised help to reduce risk, including education on healthy eating and lifestyle and bespoke physical exercise programmes. If there is one thing that I ask of Members, it is to encourage their constituents to attend their NHS health check when invited to do so, as it is one of the gateways into the national diabetes prevention programme.

Of course, that is only part of a wider public health programme of preventing disease in the first place. Members have mentioned children. It is absolutely right that we should go way upstream to consider what we can do to tackle overweight and obesity in children. We will be launching our childhood obesity strategy in the summer. It will examine everything that contributes to children becoming overweight and obese and set out what can be done by all. We are looking at the entire environment around a child, so everything that Members have said that they hope will be considered as part of the strategy is being considered.

All parts of society, the public health system, Government and local government and industry have a part to play. The soft drinks industry levy announced by the Chancellor

in the Budget is an important first step, and it has turbo-charged our discussions on the childhood obesity strategy. Its introduction in 2018 is driving reformulation of product, which every expert identifies as a key way to tackle obesity at population level. That is why there is a delay. I cannot comment in detail, but I assure hon. Members that we care about the same things that they do, and that all are being considered extensively.

Mr Jamie Reed: There are approximately 500,000 type 1 diabetics in the UK. Will the Minister undertake to ensure that continuous glucose monitors, flash glucose monitors and other emerging diabetic technologies are made available as a right on the NHS for people with type 1 diabetes?

Jane Ellison: Yes, I should say that many of my remarks have addressed type 2 diabetes, but that is not to say in any way that type 1 is less important. I will undertake to write to the hon. Gentleman on that, because there is work going on. As I said, many of my comments have dealt with type 2, but that is not to say that we are not also interested in addressing the challenges of type 1.

I am hugely heartened by the continuing parliamentary interest in this important subject. We will introduce the childhood obesity strategy and I have described all the other work on diabetes. It is good to know that there is so much parliamentary support from all parties for doing more, and particularly on investigating how to prevent diabetes from developing, to ensure that the next generation does not carry the same burden of disease as this one. It is a big challenge, but an unprecedented level of activity is taking place across our health system and the wider public health system, and in government at all levels. I look forward to updating Parliament further.

Question put and agreed to.

Resolved,

That this House has considered diabetes-related complications.

UN Peacekeeping Week 2016

3.59 pm

Kirsten Oswald (East Renfrewshire) (SNP): I beg to move,

That this House has considered UN Peacekeeping Week 2016.

It is a pleasure to serve under your chairship, Mr Pritchard, and it is a privilege to have secured a debate on United Nations peacekeeping in a week when British troops have arrived in South Sudan as part of a UN peacekeeping mission.

[MR PHILIP HOLLOBONE *in the Chair*]

UN peacekeeping began in 1948, when the Security Council authorised the deployment of UN military observers to the middle east. The mission's role was to monitor the armistice agreement between Israel and its Arab neighbours. Since then the UN has undertaken 69 peacekeeping operations, and at present there are 16 peacekeeping operations under way across the world, with troops deployed in Africa, Asia, Europe, the Americas and the middle east. In the years since 1948, hundreds of thousands of military personnel, along with tens of thousands of UN police and civilian support workers, from more than 120 countries, have taken part in UN peacekeeping operations.

The International Day of UN Peacekeepers was on 29 May, and last week was UN Peacekeeping Week. Those events were established to honour the memory of UN peacekeepers who have lost their lives in the cause of peace and to pay tribute to all those who have served, and who continue to serve, in UN peacekeeping operations for their high level of professionalism, dedication and courage.

I was at the Cenotaph on 25 May, along with my hon. Friend the Member for Stirling (Steven Paterson) and other Members of this House, to attend the UN peacekeepers memorial ceremony and commemorate more than 3,400 peacekeepers from some 120 countries who have died from acts of violence, accidents or disease while serving under the UN flag. It was striking to see the variety of nations represented at the ceremony; it was a clear illustration of the global nature of peacekeeping and of the danger facing those who enter challenging situations to support peace and a better future.

The group at the Cenotaph commemorating the lives of those who had died was diverse in many ways, which reflects the profile of the peacekeepers themselves. Six women lead peacekeeping missions across the world. In Cyprus, Kristin Lund is the first woman to be a force commander. It was positive to hear about the recent proposals by the UN for Scotland to provide support for the training of female Syrian peacekeepers, which illustrates the importance of engaging as widely as possible in the name of peace.

Peacekeeping is truly a global concern. Many of the 193 member states of the UN have contributed personnel, equipment or funds in support of the common goal of peace. In March 2015, 128 nations were contributing troops, police or civilian support personnel to the UN. The 2015 leaders summit heard about the 125,000 peacekeepers who are deployed across the globe.

The principles that underpin the operation of UN peacekeeping require the deployment of UN peacekeepers to happen only with the consent of the main parties

involved in a conflict. Those parties must commit to a political process, and that consent and commitment give the UN the freedom to act politically and physically to undertake a peacekeeping operation in a situation where there may be significant instability.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): Does my hon. Friend agree that the brave members of the armed forces who get involved in the UN peacekeeping forces do so out of a commitment to world peace and stability, and that they are truly an inspiration to all of us?

Kirsten Oswald: I thank my hon. Friend for that intervention. He makes an important point that we must reflect on, namely that the people who go and serve in dangerous situations in pursuit of peace are very brave and deserve our admiration.

The idea that UN peacekeepers are impartial is also vital for them to continue to receive support from the parties involved in a conflict, which cannot be underestimated. A study by the RAND Corporation found that deploying peacekeepers reduces the risk of a country sliding back into all-out war by 50%. Of course, there can be genuine difficulty in maintaining impartiality when the peacekeepers are called upon to act in one direction or another. Often, UN peacekeeping missions have to perform a dual role, providing the agreed impartiality but also the robustness required to stand up for what is right for agreements, international law and human rights. That is highly challenging, but UN peacekeepers deal with such situations every day.

Douglas Chapman (Dunfermline and West Fife) (SNP): Does my hon. Friend recognise the early work done by Andrew Carnegie, who was born in my constituency, in funding the Peace Palace in The Hague, and does she think that establishing a link between The Hague and Carnegie's home town of Dunfermline would encourage young people to take an interest in peacekeeping initiatives, which would be important, and in honouring peacekeepers worldwide?

Kirsten Oswald: I thank my hon. Friend. Anything that we can do to encourage young people to work in the pursuit of peace is absolutely admirable, and I echo his remarks entirely.

Fifteen years ago, the UN deployed 40,000 military and police personnel. Today, there are more than 125,000 personnel, including civilian staff and UN volunteers, and they put themselves in highly dangerous situations to help countries progress from conflict to stability. In fact, if UN peacekeepers are considered collectively, they represent the largest deployed military force in the world. It is striking, therefore, that UN peacekeeping accounts for less than 0.5% of the world's military expenditure.

Not for the first time, I find myself asking the House to consider priorities in military expenditure. Many countries, including the UK, are enthusiastic about spending eye-watering sums on the most offensive of weapons. They are sometimes much more reluctant to provide proper training, kit and conditions for their troops, and in the case of UN peacekeepers they are much less keen to provide resources to foster and sustain peace than they are to provide the capacity for war.

The UK Government's commitment in deploying 70 British military personnel to Somalia, in addition to the personnel who were sent to South Sudan yesterday, is very welcome, particularly because it represents a doubling of the commitment of British personnel to UN peacekeeping forces. I note that the Minister for Armed Forces has said that she believes this represents a turning point in UK involvement in global peacekeeping operations; I hope so.

It is interesting to examine the detail behind how countries co-operate to facilitate UN peacekeeping operations. The cost of peacekeeping is allocated using a complicated formula, and I commend the USA, Japan, and China in particular for their willingness to provide funds. In the case of personnel, however, the pattern is very different. The 10 biggest budget contributors are estimated to supply just 6% of peacekeeping troops. Although China features in both top ten lists and has committed to significant increases in the funding that it provides to the UN, there is a clear pattern of African and Asian countries providing the UN with the vast majority of troops. In fact, peacekeeping can be relatively lucrative for some countries, with the UN paying more than \$1,300 per soldier per month. For instance, Rwanda contributes more than 6,000 troops to the UN but contributes just \$16,500 in funds every year. The scope for nations to provide the support they can for the maintenance of peace in the way they can best manage is therefore important.

Looking at the bigger picture, however, the UN peacekeeping budget of about £8 billion annually, which protects more than 125 million people globally, is less than the annual budget of Transport for London. Moreover, because the peacekeeping personnel put their lives on the line to try to bring stability to some of the world's most vulnerable populations, the scope and complexity of the tasks they undertake have increased significantly. The risks that they face have also increased. The blue helmets of UN peacekeepers are increasingly being targeted directly. Last year saw 129 fatalities of peacekeepers, who came from 46 countries.

When UN peacekeepers first began operations, the Security Council often froze into inaction as the cold war began to bite. Initially, peacekeeping operations often involved supporting the maintenance of ceasefires and stabilising situations on the ground, so that there was the opportunity to resolve conflict peacefully by political means. Consequently, peacekeepers tended to be unarmed observers with a remit to monitor and report what was happening.

Some of that early activity continues to this day. The deployment of peacekeepers to India and Pakistan continues, and their deployment to Cyprus is long-standing. However, as global issues changed, the UN continued to develop its approach to peacekeeping. The Congo operation, launched in 1960, was the first large-scale mission, with nearly 20,000 military personnel deployed. Sadly, that operation demonstrated all too well the risks involved in trying to bring stability to war-torn regions. In total, 250 UN personnel died, including the UN Secretary-General, Dag Hammarskjöld.

In 1999 the UN returned to the Congo, which by that time was the Democratic Republic of Congo. However, in a country the size of western Europe that has just 300 miles of modern road, the challenge and cost of long-term deployment are immense. The DRC is one

country that illustrates the need for a twin-track approach of both peace and development if countries are to be stabilised.

In 1988, UN peacekeepers were awarded the Nobel peace prize. At that time, the Nobel prize committee stated that

"the Peacekeeping Forces through their efforts have made important contributions towards the realization of one of the fundamental tenets of the United Nations. Thus, the world organization has come to play a more central part in world affairs and has been invested with increasing trust".

With the end of the cold war, the strategic context for peacekeeping changed dramatically and the focus of peacekeeping missions shifted as the nature of conflicts changed. There was also more of a focus on laying the foundations for sustainable peace. The range of tasks carried out by peacekeepers broadened significantly, with peacekeepers helping to build sustainable institutions of governance and carrying out human rights monitoring and the reintegration of former combatants.

Of course, the military personnel who were deployed remained, and still remain, the key focus of peacekeeping operations, but a wide array of other functions were coming to the fore, as the breadth of the task that was now required became apparent. There is now a need for those with skills in humanitarian work, economics, law and mine clearance to name but a few.

In tandem with the increased scope of peacekeeping operations, the number of operations continued to increase after the end of the cold war. Sometimes the peacekeepers faced action in locations where the guns had not yet fallen silent. It was not possible to keep the peace in the former Yugoslavia, or in Somalia and Rwanda, because peace did not exist in those places at those times. It is no wonder that there was no success in areas where warring factions continued to do battle.

The missions, and the situations surrounding the conflicts, underscored the necessity for clear parameters and robust support for peacekeeping forces. Peacekeepers were dispatched to areas as diverse as Angola, Bosnia and Haiti in the '90s, and Cyprus has seen continued deployment, with 64 soldiers from 1 Scots recently receiving medals at a ceremony in Nicosia for service as UN peacekeepers on the island.

UN peacekeepers have acted as administrators in Kosovo—in the former Yugoslavia—and in East Timor, as it progressed towards independence from Indonesia. In East Timor, the responsibility to protect human rights came to the fore, which is particularly important when there is a vast disparity in the size of the power of adjoining nations. One of the roles of UN peacekeepers can be to underpin the process by which a new country joins the international community. This new country, East Timor, was for hundreds of years part of the Portuguese empire. After world war two Portugal reasserted control, but the Dutch were unable to do the same in all their former colonies and an independent Indonesia emerged. As Portugal abandoned its former colonies in 1974, Indonesia incorporated East Timor. An Indonesian invasion then started a brutal occupation in East Timor and, after many years of the world looking away, international pressure, including from this House, led to Indonesia agreeing to hold a referendum, in which the Timorese overwhelmingly backed independence. The Indonesian military and local militia began an orgy of

[Kirsten Oswald]

destruction, which ended only after UN peacekeepers, led by Australian troops, arrived to supervise the Indonesian withdrawal.

The international community faces many peacekeeping challenges, including in East Timor, and there is rightly increasing scrutiny of the work of peacekeepers and of the problems and concerns that arise when they are deployed. Secretary-General Ban Ki-moon tasked a high-level independent panel on UN peace operations with making a comprehensive assessment of the state of peace operations and the emerging needs of the future. He said:

“The world is changing and UN peace operations must change with it if they are to remain an indispensable and effective tool in promoting international peace and security.”

He imposed a zero tolerance policy following allegations of sexual exploitation and abuse by UN peacekeepers in host countries. I strongly urge the UN to ensure that it deals properly and robustly with such allegations, for instance against peacekeeping troops in the Central African Republic. To do otherwise not only damages victims who are already in the most vulnerable of situations but devalues the work and reputation of UN peacekeeping.

It is vital that the UN learns lessons and uses that learning to develop further capability in planning, increasing participation and working towards positive and sustainable outcomes. The most vulnerable people in the world rely on the good work of peacekeepers to improve their future, and we must work with others to ensure that that key aim remains at the centre of the work. The British troops setting off to undertake peacekeeping duties in South Sudan will join 12,000 UN troops from more than 50 nations, and they will undoubtedly face challenges as the fractured country looks to the future, with the need to strengthen infrastructure being apparent.

With such missions, UN peacekeeping finds itself stretched like never before and increasingly called upon to deploy to remote, uncertain operating environments. In the increasingly complicated global framework, the work of the UN and its peacekeepers has never been more important, and peacekeeping missions will continue to be needed to deal with a multitude of challenges and increasingly to focus on capacity building for sustainable societies.

The benefits are more than the obvious ones. The World Bank assesses that UN peacekeeping missions have a positive effect on GDP, with growth rates nearly 2.5% higher in post-conflict countries where peacekeepers are present. Although the numbers of UN peacekeepers have recently fallen slightly, they represent a significant increase on the numbers deployed 20 or so years ago. However, that by no means indicates that the challenges faced by the UN are diminishing.

4.13 pm

Sitting suspended for a Division in the House.

4.29 pm

On resuming—

Kirsten Oswald: To continue where I left off, although the number of military peacekeepers may be decreasing slightly, the demand for field missions will remain high

and peacekeeping will continue to be one of the UN's most complex, specialised and demanding operational tasks. Moreover, the political complexity that peacekeeping operations face and the scope of their mandates, including on the civilian side, remain very broad. There are strong indications that certain specialised capabilities, including policing, will be in especially high demand over the coming years.

UN peacekeeping missions operate in the most dangerous and difficult environments in the world, dealing with the conflicts, and their aftermaths, that others cannot or will not address. We can achieve what others cannot, but the success of our contributions is never guaranteed. In future, multidimensional peacekeeping will face many demands, including with regard to the political process, protecting civilians, assisting in disarmament, the demobilisation and reintegration of former combatants, supporting the organisation of elections, promoting human rights and restoring the rule of law.

Peacekeeping has always been highly dynamic and has evolved in the face of new challenges. UN peacekeeping is a unique global partnership, with its strength being in the broad spread of contributing countries that participate and provide precious resources. I wish the peacekeepers well with their important task. The people they protect depend on them, and those who rely on their bravery and hard work also wish them well.

4.30 pm

The Minister for Europe (Mr David Lidington): I congratulate the hon. Member for East Renfrewshire (Kirsten Oswald) on securing the debate and welcome the opportunity to discuss the challenges faced by UN peacekeeping operations and how we should try to address them. She spoke very well about the scale of the task that UN peacekeeping missions face in some of the most dangerous operating environments around the world, and about the vital role they play in trying to keep vulnerable civilians safe in the face of some of the most appalling threats of violence that any society can be confronted with. I was pleased that she was able to attend the Cenotaph ceremony on 25 May, at which my right hon. and noble Friend Baroness Anelay of St John's laid a wreath on behalf of Her Majesty's Government as a demonstration of the Government's support for the work of United Nations peacekeeping missions past and present.

Peacekeeping remains a vital tool of the UN, and one on which the international community depends heavily. The past five years have seen an increase in both the number and the type of threats faced by UN peacekeepers. I echo the tribute that my noble Friend Baroness Anelay paid on 25 May to the men and women in blue helmets who put their lives on the line in order to protect the vulnerable.

UN peacekeeping operations are under strain, and peacekeepers are increasingly being asked to do more than they did in the past. In addition to protecting civilians and helping to restore the rule of law, we now look to them to try to ensure the safe transit of humanitarian aid supplies. Changes are needed to respond to those evolving demands. The Secretary-General's review of peace operations, which took place last year, highlighted the need for reform. The Government welcomed that review, which provided us and our international

partners with the opportunity to reflect on our approach to UN peacekeeping. This country already provides it with significant support, both through our permanent seat on the Security Council and through our financial contributions. We provide £303.6 million towards UN peacekeeping as part of our assessed United Nations contribution. Additionally, we have committed £1 million of programme funding to specific priorities identified by the UN on which more work or help is needed.

However, we are committed to doing more. I acknowledge the kindness of the hon. Member for East Renfrewshire in referring to the extra commitments that the Government have made as part of the Secretary-General's review, and at and since the leaders summit hosted by President Obama in 2015. At that summit, the UK pledged our support, along with more than 50 nations and international organisations, for Ban Ki-moon's efforts to strengthen UN peacekeeping for the future. The Prime Minister pledged to double our military contribution to peacekeeping by sending up to 70 troops to support the peace operations in Somalia and between 250 and 300 to South Sudan.

The first of those personnel deployed to Somalia last month, as the hon. Lady said, and we are preparing the ground for the bulk of our deployment over the next few months. We are offering logistical, medical and engineering expertise and short-term training teams, all in support of enhancing the capability of the UN operation, as well as to support troops from the African Union Mission in Somalia and the Somali national army. In South Sudan, the United Kingdom will make a significant contribution to the effectiveness of the UN peacekeeping mission. We plan to stagger our deployment; as the hon. Lady said, we have just deployed our first troops to South Sudan, and we intend that the main contingent should arrive at the end of the year. We are working with the UN now to identify exactly where this country's expertise will be most effective. That may well include vital engineering work, which is one area in which it seems both to us and to the UN that we could make a particular contribution.

Our pledge to double our military commitment is part of a wider approach designed to help improve UN peacekeeping operations. We want to ensure that the UN is able to get the right people and equipment to the right place at the right time. I can boil that down to three overall objectives: first, encouraging more countries to pledge additional support; secondly, securing improvements in UN planning procedures; and thirdly, boosting the overall quality of troop and mission performance.

I shall say a little more about each of those three objectives. First, on pledges, our vision is that the UN should be able to draw upon a bigger pool of troop-contributing countries than is currently possible. That pool of potential contributions should have a wider range of capabilities than currently exists, so that the UN can pick the right contributions to suit a particular mission in a particular part of the world. That will allow the UN to deploy peacekeeping missions with the resources and abilities to carry out their mandates and the confidence that those objectives can be achieved. We are delivering on the pledge we made last year, and it is vital that others do the same. My right hon. Friend the Secretary of State for Defence will host a ministerial-level meeting in London later this year, which we are looking

forward to as, among other things, an opportunity to continue to press some of our international partners to deliver the pledges made at President Obama's meeting last year.

Secondly, on planning, there is increasingly a gap between the expectation that the United Nations should intervene in difficult operating environments and the ability of peacekeeping missions to meet difficult demands in practice. To improve the co-ordination of peacekeeping efforts and the ability to respond effectively to new crises, there needs to be better planning and analysis. That starts with design and goes through to the set-up of operations and the eventual drawdown and conclusion of a peacekeeping operation. A mission needs at all times to have a clear focus on what it is seeking to achieve. We have already begun funding a new unit in the UN Secretary-General's office to support improvements in planning and analysis.

Finally, better planning must be matched by improved performance. Increasing the number of available peacekeepers and improving the planning of missions will help, but that will work only if all peacekeepers, wherever in the world they come from, are appropriately trained, fully equipped and properly vetted before they are deployed. All countries that contribute either troops or police officers should deploy peacekeepers who have been trained to the highest standards. We will continue to push for that and for poor performance to be tackled constructively.

The hon. Lady mentioned the very serious allegations in respect of members of the peacekeeping operation in the Central African Republic. As part of our objective of improving the performance of the UN peacekeeping operations, it is a United Kingdom priority to work with the Secretary-General to tackle sexual exploitation and abuse, which, sadly, has been carried out by a small minority of peacekeepers. We welcome Ban Ki-moon's recent report on special measures for protection from sexual exploitation and abuse and his appointment of Dr Jane Holl Lute as his special co-ordinator in improving the UN's response. The extra £1 million of programme funding, which I referred to earlier, is being targeted in particular at efforts to help improve the capability of deployed peacekeepers to design a reporting system that local communities and potential complainants feel able to trust, and to ensure that, in the future, we get a stronger and swifter UN response to proven allegations.

The Government are committed to working with others around the world to achieve those reforms. As I said, my right hon. Friend the Defence Secretary will host a follow-up meeting to President Obama's summit here in London in September.

Jonathan Lord (Woking) (Con): I am delighted to hear about all the contributions that the British Government and the British military are making not only to UN peacekeeping on the ground but to future planning so that UN peacekeeping forces can better deliver their missions. To which regions of the world should Britain and the UN be looking to make further and bigger contributions? The Minister says that some are not doing as much as they could. I do not want him to identify countries, but which regions should be doing more, along the lines of the excellent work of our British Government?

Mr Lidington: I am grateful to my hon. Friend for not inviting me to point the finger at particular Governments. I do not think it would be helpful for me to do that in public—it is something better done through intensive diplomatic work, including at the forthcoming meeting. One has to look both at developed countries and at some of the emerging economies that are looking to take a more active role in international affairs and politics, and say to them, “As part of that, we think that it would be a very good contribution for you to make resources available to the United Nations.” Looking around the world, it is striking that a country does not have to be one of the so-called great powers to make an effective contribution. Countries such as Norway or Finland have made some very effective contributions to different UN operations over the years. There are some fine examples that other countries can look at.

The UN peacekeeping defence ministerial will take stock of pledges delivered since the last summit and encourage others to make good on their pledges, but it will also focus on how to improve UN peacekeeping and make real progress on reform, including on how to include more women in delivering peace and security. I hope that the London meeting will make a critical contribution to improving UN peacekeeping efforts and, in doing so, deliver better protection for those most at risk and in most need.

The United Kingdom wants to see more effective, more responsive and better resourced peacekeeping operations. We have identified the areas where we can best support the United Nations and have a positive effect, and we have already started to work on them. Most importantly, we are asking others to join us. We are determined to lead the work to help deliver real change, to make a real difference to the quality of UN peacekeeping and to enable the United Nations to meet the challenges that it will face in the future.

Question put and agreed to.

HPV Vaccinations for MSM

4.44 pm

Mike Freer (Finchley and Golders Green) (Con): I beg to move,

That this House has considered HPV vaccinations for men who have sex with men.

Thank you for chairing this debate, Mr Hollobone; it is always a pleasure to serve under your chairmanship. This debate is a continuation of those that we have had over the past few years. The extension of the human papilloma virus vaccination programme to men who have sex with men—MSM—has been three years to the day in the making.

I first raised this issue in an Adjournment debate on 2 July 2013. I thank the then Minister for Public Health, my right hon. Friend the Member for Broxtowe (Anna Soubry), who, in responding to that debate, said that the issue could no longer be ignored. However, I reserve my heartiest thanks for the Under-Secretary of State for Health, my hon. Friend for Battersea (Jane Ellison), who is in her place today, for her unswerving support to ensure that HPV vaccinations are finally available for MSM. I have no doubt that without her personal support and her forbearance of my cajoling on a regular basis the new programme may not have happened.

Before turning to issues relating to the pilot of the new vaccination programme, it is worth reminding ourselves why such a programme is needed. I make no apology for raising yet again what some might regard as unsavoury issues—sometimes we do not like to talk about sexual health. HPV is responsible for nine out of 10 cases of genital warts, and men are six times more likely than women to have an oral HPV-related infection, which increases the risk of cancers of the mouth, throat, neck and head. Then there is HPV-related penile and anal cancer. HPV is associated with 80% to 85% of all anal cancer in men. In 2009, just after the general HPV vaccination programme started, there were more than 6,500 cases of these cancers. Some 47% of penile cancers and 16% of head and neck cancers are thought to be HPV related. The latest incidence data show that in 2010 there were 437 incidences of anal cancer, 5,637 incidences of oropharyngeal cancer, 515 incidences of penile cancer and 90,000 incidences of genital warts. Rates of some HPV-related cancers are on the increase in the UK and throat cancer has overtaken cervical cancer as the leading HPV-related cancer.

It is worth looking at the costs incurred in treating these cancers, which could now be avoided. Each HPV vaccination for the three-dose programme costs an estimated £260 on the open market—I appreciate that the NHS will, I hope, have negotiated a lower price. That compares with the £13,000 cost of treating anal cancer, the £11,500 cost of treating penile cancer, the £15,000 cost of treating oropharyngeal cancer or the £13,600 cost of treating vulva and vaginal cancer transmitted by an infected male. In 2010, the cost of treating genital warts was £52.4 million. The clinical and financial reasons are self-evident. That is why we started this debate three years ago, and today we have a pilot for making vaccinations available for MSM through sexual health clinics.

I will not detain hon. Members for long; this is really an update request. I have several questions for the Minister. How long will the pilot be for? Who exactly

will the pilot vaccination programme be available to? Is it to men identifying as MSM or men identifying as MSM who request the vaccine? What if a man who does not identify as MSM asks for the vaccine? Will it be available to heterosexual males?

How will the pilot be evaluated? For example, will it simply be from the take-up of MSM patients registered, or will it measure the adherence rate, because the programme requires three doses, and for all three to be taken, to be effective? So will the evaluation include adherence to the dosage requirements? Is there a timescale to measure the impact on HPV-related cancers and genital warts? Will the results and any mid-pilot indicators be reported to the Minister and, eventually, made public?

I must also ask whether the vaccination programme will include adolescent boys if they turn up at a sexual health clinic. They might not technically or legally be men, but if they are at risk and go to a sexual health clinic, will the HPV vaccination be available to them because they are at risk, and if a clinician deems it necessary? Finally, I cannot miss the opportunity to nudge the Minister on whether we may have an update on when HPV vaccinations will be widely available to all boys in the UK.

Several hon. Members *rose*—

Mr Philip Hollobone (in the Chair): The debate is due to finish no later than 5.45 pm. The recommended time limits for the Front Benchers are five minutes for the Scottish National party, five minutes for Her Majesty's Opposition and 10 minutes for the Minister. The time between now and the first of the Front Benchers being called is open to Back Benchers, and the first person on my list is Jim Shannon.

4.51 pm

Jim Shannon (Strangford) (DUP): Thank you, Mr Hollobone, and it is a pleasure to be able to speak in the debate.

I congratulate the hon. Member for Finchley and Golders Green (Mike Freer) on securing a debate on such an important issue. He has been a stalwart speaker on the issue in this Parliament and the previous one. He never lets his subject matter fall, and I thank him for his commitment and his energy.

It is good to see the shadow Minister, the hon. Member for Denton and Reddish (Andrew Gwynne), in his place again. It is also especially nice to see the Minister in her place again—she is spending a great deal of her afternoon in Westminster Hall, but it is always a pleasure to have her here. I look forward to her response to this debate.

For years, often due to stigma and attitudes, the issue was ignored, so it is welcome that we can now give it the attention that it deserves, not only in Parliament, as today and in the past, but in all walks of life, because it is now part of national conversations on advancing healthcare. As the Democratic Unionist party health spokesperson at Westminster, I am pleased to participate in the debate, to encourage and support the hon. Member for Finchley and Golders Green in what he is talking about today, and to comment on what we have done in Northern Ireland, as I always do in such debates, hopefully adding to our general knowledge of the subject.

Genital warts are the most common viral sexually transmitted infection and are caused by the human papilloma virus. In September 2008, Northern Ireland introduced an HPV vaccination programme targeting 12 and 13-year-old girls in schools. It primarily vaccinated against HPV 16 and 18, which are associated with more than 70% of cervical cancers. From September 2012, 12 and 13-year-old girls were offered the quadrivalent vaccine, which protects against not only types 16 and 18, but types 6 and 11, which are mainly associated with the majority of genital wart viruses. It is expected that rates of first episodes of genital warts will be positively impacted by the introduction of the HPV vaccination programme.

In men, there is no reliable test for HPV infection. As the hon. Gentleman said, it is often difficult to diagnose, and there are no symptoms for high-risk HPV. People who are known to be at a high risk of having anal HPV and of developing anal cancer may be offered an anal smear, but nothing goes beyond that. It is frustrating to have some steps in the health process, but no steps to take things to the next stage and to do what the hon. Gentleman said. That is why we are having the debate today and why it is critical for men to start receiving equality with women in terms of the protection offered against HPV by the health service. Given the higher risk of HPV infection associated with men who have sex with men, surely the provision of a vaccine is a no-brainer.

In November 2015, following a review of the evidence, the Joint Committee on Vaccination and Immunisation published a position statement recommending the introduction of a vaccination programme for men who have sex with men, are aged up to 45, and attend genitourinary and HIV clinics. Some steps forward have been taken, but larger steps are needed, with more ground being covered.

Since the JCVI recommendations, and in line with them, the Welsh and Scottish Governments have announced that they will roll out vaccination programmes. I hope that the Department of Health in Northern Ireland will follow suit—the matter is devolved, as the Minister knows—and that men throughout the United Kingdom will get the long-overdue support that they deserve. It is about fairness, and when there is clear evidence that a section of the population might be at particular risk of something, appropriate action should and must be taken.

Continued monitoring of results is also necessary to ensure that the recommendations, when implemented, have the desired results, and that any changes or extensions to the plans can be made to ensure the most full and proper protection available is afforded to all those affected. To conclude, developments are long overdue. The debate has been welcome and an opportunity to highlight the issue—I congratulate the hon. Gentleman again. The fact that a goodly number of Members are participating is an indication that we, too, want to see change. It is about seeing the plans implemented and ensuring that the proposals work well in practice.

4.56 pm

Sir Paul Beresford (Mole Valley) (Con): I am delighted to see you in the Chair, Mr Hollobone.

I congratulate my hon. Friend the Member for Finchley and Golders Green (Mike Freer) on securing the debate and on leaving enough time for a few of us to add a few words in a few minutes.

[Sir Paul Beresford]

I need to declare a short list of potential interests. I am a small—by which I mean I have a small practice, not that I am small in stature, because I am afraid my overweight problem makes that rather redundant—and very part-time dentist. I am also chair of the all-party parliamentary groups for dentistry and oral health, and on skin, both of which have a link to and provide an interest in the debate.

My hon. Friend has explained all the disasters related to this ghastly virus, and what it does. I am more interested in head and neck cancers, for obvious reasons, which he touched on. The statistics on head and neck cancer related to HPV make for hideous reading. Up to 70% of oropharyngeal cancers are caused by HPV. In addition, recent research has found HPV in nearly 20% of large periapical dental abscesses—not as the cause, but probably as a co-contributor to the infection.

Treatment of head and neck cancers are often debilitating, disfiguring and destructive of the patients and their self-esteem. Unless the cancer is caught very early, most frequently radiology and/or surgery is required, involving the face, the jaw and teeth, the neck, the tongue, the pharynx, the larynx, the oesophagus, or combinations of them. Only think of that and we can think how debilitating it is for the patient. Physical disfigurement is common, and speech and eating can be significantly impaired. In the global ranking of cancer deaths, head and neck cancers rank fifth. Furthermore, the prevalence of head and neck cancer is higher in males than in females—a ratio of approximately 2:1.

The cost to the NHS of treatment is astronomical. The latest figure I am aware of is from 2011, when it was costing us £310 million. Since the growth in the frequency of head and neck cancer is one of the fastest of all cancers in the UK, the cost must be considerably higher now—I am sure the Minister will correct me and give the ghastly figure, if the opportunity arises.

Vaccination programmes can eliminate, or virtually eliminate, certain diseases. The anti-polio campaign is such an example. The aim in such programmes is to produce what is called herd immunity. The success of the HPV vaccination programme for adolescent girls in the United Kingdom is progressing and becoming evident, but it is not producing herd immunity. Not every teenage girl participates in the programme, let alone completes the programme. Furthermore, given that today's debate features men who have sex with men, they are obviously outside any herd immunity that might arise from the inoculations.

I also contend that heterosexual men—quite a proportion of us are left in the community—[HON. MEMBERS: “Hear, hear!”]. I thank hon. Members for the support. We are also vulnerable. Not every girl has the inoculation, as I said, and not every girl completes the programme—I believe the estimate is that 10% of girls do not get full vaccination cover. So if, as some research has suggested—I am not sure whose research this was—an estimated 20% of 16 to 24-year-old men have had 10 or more partners, that means, statistically, one of those partners has not been vaccinated, although it could be more or less.

I fully support vaccination for men who have sex with men. However, vaccination programmes for boys and girls would lead to herd immunity and in time pick up that group as well. I understand that that would cost

about another £22 million per year more than the cost now for girls. That is small beer when set against the £58 million spent on treating genital warts and is well below the £300 million spent on head and neck cancer treatment—and we must add in the pain and suffering of cancer victims. As I said to the Minister in July 2014, “it is not fair, ethical or socially responsible to have a public health policy that leaves 50% of the population vulnerable”—[*Official Report*, 1 July 2014; Vol. 583, c. 866.]

to HPV and the dreadful diseases that so often relate to it.

What is important is not who is having sex with whom but the fact that we need herd immunity for the whole population. If Australia, Austria, Canada, Israel, Switzerland and the USA—and I suspect also New Zealand, but I have not asked—can achieve herd immunity across the board with excellent results, so can we.

5.1 pm

John Nicolson (East Dunbartonshire) (SNP): I congratulate the hon. Member for Finchley and Golders Green (Mike Freer) on securing the debate. Vaccinations against HPV were introduced in the UK primarily to target cervical cancer. The HPV vaccination programme for girls aged between 11 and 13 has been in place since 2008, and last year the uptake of the vaccination was 89.5% across the UK. It has therefore been a huge success.

However, there are more than 100 types of HPV and it is one of the most common sexually transmitted infections in the UK. HPV infections are highly contagious, as they are spread mainly by skin-to-skin contact, and nearly all sexually active people get infected at some point in their lives. Some HPV infections clear up with no treatment necessary; others will develop into treatable conditions, such as genital warts; and some will go on to cause cancer. Despite the fact that HPV vaccinations in schools are available only to girls, to target cervical cancer, not only women can be infected. As we have heard, among men, 80% to 85% of anal cancers and almost 50% of penile cancers are associated with the infection. Evidence that has emerged since the original HPV vaccination programme was introduced has shown that immunisation is likely to provide protection against a wide range of HPV-related diseases, including those cancers.

The widespread vaccination of girls was intended to create wholesale community immunity and prevent the spread of HPV to unvaccinated male sexual partners. In Australia, research has shown that to have been a success, with a 90% reduction in genital warts in heterosexual men and women under 21 years of age. However, the vaccination programme ignored a significant section of society, which is left defenceless against the dangers of HPV: men who have sex with men, for whom the burden of HPV-related diseases is significantly increased compared with heterosexual men. In particular, they experience a higher risk of suffering from HPV 16-associated anal cancers, with rates 15 times higher in men who have sex with men.

The Joint Committee on Vaccination and Immunisation's recommendation that a vaccination programme should be introduced for men up to 45 years of age who have sex with men is therefore welcome. In March, the Scottish Government announced their intention to introduce a

targeted vaccination programme as soon as possible, and this month NHS England will begin a pilot vaccination programme at selected sexual health clinics to test delivery in those settings. However, the decision to implement a pilot has been described as “unnecessary” and “a cynical stalling tactic” by the Terrence Higgins Trust, which has pointed out that the London North West Healthcare NHS Trust already provides vaccinations to men who have sex with men, with impressive take-up and results. The Terrence Higgins Trust rightly does not want to see delayed a full national programme that could prevent serious illnesses and save lives. Its fears can possibly be traced back to NHS England’s decision not to commission PrEP, a preventive medication for those at risk of HIV, after an 18-month investigation. Instead, NHS England opted to run a number of test sites over two years to research how that treatment could be introduced in the most clinical and cost-effective way. That decision was described as “shameful” by the Terrence Higgins Trust and “astonishing” by the National AIDS Trust.

The pilot HPV vaccination programme is intended to immunise 40,000 people and be followed by a review of its impact. That is a welcome first step, but it is clear that immunisation will need to go beyond sexual health clinics. Those who do not attend such clinics will not be immunised and many may mistakenly believe that they do not need to be vaccinated if they use condoms. Significantly, the optimum age for men to receive the vaccine is as 12 to 13-year-old boys—in other words, at school, at the same time as their female classmates. That is the logical next step.

The Joint Committee on Vaccination and Immunisation is currently considering this issue along with Public Health England and the University of Warwick, although it will not be in a position to provide its final advice until 2017. The Terrence Higgins Trust, HPV Action, the British Association for Sexual Health and HIV, and the British Medical Association all support expanding vaccination to boys through the existing school-based programme. That would mirror the position in Australia, Canada and the United States, ensure that high vaccine coverage rates are achieved and protect all males and females, whatever their sexual orientation, from such serious diseases.

In public health debates, there will always be competing claims about money, priorities and whether proposed action has more positives than negatives, but in this debate the jury has delivered a clear verdict. The vaccine has saved the lives of countless girls and women. Is it not time that we showed some gumption and delivered the same benefits for young men?

5.7 pm

Danny Kinahan (South Antrim) (UUP): I am glad to be speaking today, and particularly glad that the hon. Member for Finchley and Golders Green (Mike Freer) has secured the debate. I started as a new boy in Parliament last year and this issue came across my desk in September. The one simple thing that really shocked me was that we were only immunising girls. I could not believe that we had chosen to go for just one side. The debate is therefore necessary.

I knew nothing about the subject, so we put forward an early-day motion, but I was shocked to find that a whole mass of people here do not sign such motions.

We should all support that motion, so I send a message to people to please look through and sign early-day motions, not just ignore them as a policy. The more I looked into HPV, the more I was appalled by how horrific the diseases were. I went to the pop-up drop-in meeting and was shown photographs of genital warts and other unpleasant diseases. They are quite horrific. We should be helping everyone with such diseases, whatever the cost, and we must find the most important and economic way of doing so.

I was glad to see that my colleagues in Northern Ireland from every party had signed the early-day motion. That shows that although we are a part of the world that is sometimes known for avoiding this sort of subject or avoiding difficult things, we can lead. I was glad to hear the update from the hon. Member for Strangford (Jim Shannon) on where we have got to, and I too will ensure that we push for everyone in Northern Ireland to be looked after and vaccinated. I ask the Minister to look at how we can get a vaccination programme in place as quickly and economically as possible, so that 400,000 boys a year can be vaccinated, the disease does not build up and get worse, and the vaccination is there for all people of every type. That is the message that I want to get across.

5.9 pm

Martin Docherty-Hughes (West Dunbartonshire) (SNP): It is always a pleasure to see you in the Chair, Mr Hollobone. I congratulate the hon. Member for Finchley and Golders Green (Mike Freer) on securing this important debate. I will concentrate on four points that I believe are fundamental: stigma, the recommendations of the Joint Committee on Vaccination and Immunisation, implementation and lessons to be learned. I have no doubt that living with HPV can be similar to living with HIV/AIDS. Nobody wants to talk about it, even today, and that cultural silence embeds the stigmatisation of those living with HPV, while limiting our ability to improve access to services and to reduce the indices of, in this case, men who have sex with men who are infected with HPV.

As my hon. Friend the Member for East Dunbartonshire (John Nicolson) said, HPV is one of the most prevalent infections. Statistically, most of us in this room will have been infected by at least one of the differing strains at some point in our lives. Although the majority of us deal with that infection naturally, which has already been mentioned, challenges in removing the infection remain for those, critically, who smoke, and those with compromised immune systems—for example, people living with HIV/AIDS.

As for stigma, let us be frank. Discussing anal warts can be a conversation stopper. For men, in particular, addressing and discussing health-related issues is problematic in general. With that in mind, I encourage Members to reflect on research undertaken several years ago in Scotland on male cancers for Cahonas Scotland by John Docherty-Hughes of Queen Margaret University, Edinburgh. I must declare an interest: he happens to be my husband. Entitled, “Men, Masculinities and Male Cancer Awareness: a preliminary study”, it found that men felt uneasy when being open about their fears in relation to their own health, specifically in relation to cancer for that research, but also health in general. I recommend Members avail themselves of that research

[*Martin Docherty-Hughes*]

as it challenges those who seek to improve services for men, whether cancer or HPV specifically. It is critical that we reduce stigma in relation to male health and wellbeing.

Let us return to the recommendations of the JCVI. As a Scottish constituency MP, I am delighted that the Scottish Government earlier this year announced that they will make men who have sex with men eligible to receive the HPV vaccine without recourse to a pilot. They are working to ensure that the vaccine can be introduced for men who have sex with men as soon as possible, in contrast to the pilot programme being proposed by the UK Government in England. On implementation, the roll-out of the HPV vaccine has so far been a resounding success, with HPV immunisation uptake exceeding 80% in Scotland.

As to lessons learned—I do not want to detain the House for long—the hon. Member for Finchley and Golders Green has, by securing this debate, given us the opportunity to inform and educate not only the policy makers sitting behind the Minister, but colleagues and those watching the debate in the Public Gallery and on television. The key to improving the health and wellbeing of men, from my perspective and in much of the research I have read, is education based on their lived experience culturally, socially and economically. That is whether they have sex with other men—frankly, one can identify as being heterosexual and have sex with other men—are homeless, are black or from a minority ethnic community, identify as heterosexual, homosexual or bisexual, or are transgender, because even men in transition must deal with the consequences of male health.

The key question is this: are the UK Government and healthcare practitioners in the NHS and the charitable sector able to meet the challenge and listen to the lived experience of men who have sex with men living with HPV and those who support them? Will they begin the full implementation of the recommendations of the JCVI and start the full roll-out of that vaccination across England?

5.14 pm

Stewart Malcolm McDonald (Glasgow South) (SNP): It is good to see you in the Chair for the second sexual health debate of the day, Mr Hollobone, at which you have been present along with myself and other hon. Members. I congratulate the hon. Member for Finchley and Golders Green (Mike Freer) on securing this debate. He started by saying that it is perhaps not always nice to discuss unsavoury issues. Just imagine the lives we could have saved if we had discussed unsavoury issues a lot more a long time ago. I genuinely welcome this debate, and indeed the other work he has done on matters related to gay and bisexual men's sexual health, particularly PrEP, which we discussed in the House earlier today. He described this debate as an update request. I am afraid to tell the Minister I am going to go one further. I think we sometimes get too many updates and not enough action; it is action that we need to see.

We have had some incredibly thoughtful and well-researched contributions, including from, as usual, the hon. Member for Strangford (Jim Shannon). We have heard some excellent experience from the medical profession,

and my hon. Friend the Member for East Dunbartonshire (John Nicolson) quoted the Terrence Higgins Trust, which has called the pilot scheme a “stalling tactic”.

I notice a pattern when it comes to these matters. There seems to be an attitude among the public that the Government—I do not doubt the Minister's sincerity on these issues; I genuinely mean that—do not appear to be taking LGBT sexual health as seriously as they should be. We have a situation, as my hon. Friend the Member for West Dunbartonshire (Martin Docherty-Hughes) outlined, in which the Scottish Government have moved forward on this, the Welsh Government have moved forward on this, international partners have moved forward on this, but the largest constituent nation of the United Kingdom has decided to sit on its hands and go for an unnecessary pilot scheme. The message from sexual health charities and from the public is that that is just not good enough. I cannot understand, given the position we find ourselves in with this issue and with the PrEP issue, why we have not seen further progress.

My hon. Friend the Member for West Dunbartonshire mentioned the important issue of stigma. We cannot go back to the days when stigma caused people not to have conversations, seek treatment or seek to have a healthier lifestyle. That would be disastrous for public health and for the public purse. There is an appetite across Europe and across the United Kingdom to move forward on this issue, which does not stop at any border. It is something that we all have to work together on. We want to see the UK Government get a bit of “gumption”, as my hon. Friend the Member for East Dunbartonshire said, get off the fence, and start with some positive action on this issue and on the PrEP issue as well.

5.18 pm

Andrew Gwynne (Denton and Reddish) (Lab): It is a pleasure to serve under your chairmanship, Mr Hollobone. I add my congratulations to the hon. Member for Finchley and Golders Green (Mike Freer) on securing this debate, and on the important cross-party work he does in the House on championing the cause of men's sexual health. I also thank other hon. Members for their contributions.

I understand the importance of the quasi-independent nature of the JCVI, and I do not want to change that, but I believe the Minister has an important duty to the country to ensure that the JCVI operates efficiently and with the right priorities in mind. In that spirit, I have a series of questions to ask her on this important matter, some of which have been covered in the debate. First, I will raise the long delay in the decision on whether all boys should be vaccinated. The JCVI began its assessment on whether boys should be included in the national vaccination programme in 2013. A decision was originally expected last year, but was subsequently rescheduled for 2017. Experts in the field are already convinced that boys should be vaccinated, and I urge the Minister to ask the JCVI to make its recommendation this year, so that implementation can begin as soon as possible.

Secondly, I want briefly to discuss the JCVI's approach to making the decision. As we have said in other debates in this Chamber, the JCVI is far too constrained in its approach. Its analysis of cost-effectiveness focuses solely on the cost to the NHS and takes no account of social costs, the costs of care or welfare benefits, or the costs

to employers and to individuals and families affected, in this case, by HPV-related diseases. For example, 50% of people with mouth cancer never return to work, so there really needs to be a wider assessment.

Thirdly, I would like to raise the issue of the implementation of the vaccination programme for men who have sex with men. The JCVI was right to recommend that men who have sex with men should be offered the vaccine via sexual health clinics, but since the recommendation was made in November last year, no announcement has been made about the implementation.

I asked the Public Health Minister about this matter in a written question last month. She replied that a pilot project was beginning this month, which I was pleased to hear. I would be grateful if she could explain what is being planned and the timetable to which that will happen. We already know that the vaccine works, and I have some fears that this could be an attempt to kick it into the long grass. I hope not and that she can offer some reassurances to Members today. Given the level of risk currently being faced by men who have sex with men because of HPV infection, including not least the very high rate of anal cancer in that group, there is surely a strong case for a national roll-out now so that as many men as possible can be vaccinated without delay.

Fourthly, I am concerned that the UK is in danger of being left behind other countries in its approach to HPV vaccination. As we have heard, Australia, Austria, Canada, Israel, Switzerland and the United States are among those now recommending gender-neutral vaccination. That is now under active consideration in the Republic of Ireland and Norway as well.

If I may, I will make a slightly tangential point. Is the Minister aware of the complaint made to the European Medicines Agency by the Nordic Cochrane Centre about the alleged maladministration of the safety review of the HPV vaccination? If side effects have been ignored or people more susceptible to side effects have been given the vaccine unnecessarily, that is a breach of trust and I expect that she will want to look into the matter.

Finally, I have been asked by HPV Action to announce that a letter from 13 eminent scientists and clinicians in the field of public health has been sent to the Secretary of State for Health, calling on him to ask the JCVI to accelerate its assessment of the vaccination of boys. The signatories include the director of the World Health Organisation collaborating centre for oral cancer, the president of the British Association for Sexual Health and HIV and the vice-president of the Royal College of Surgeons. Their views should carry weight in the corridors of Richmond House and I trust that the Secretary of State will listen very carefully to their points.

I also hope that the Minister has listened to the very valid points that hon. Members have made this afternoon. It has been a short but well informed debate, and I am pleased that we have had the chance, thanks to the application made by the hon. Member for Finchley and Golders Green, to be able to debate this issue in such a timely manner.

5.23 pm

The Parliamentary Under-Secretary of State for Health (Jane Ellison): Thank you, Mr Hollobone, for giving me the opportunity to respond to the debate. I have to say at the outset that we are actually announcing good news in this debate. I accept that Members of this House

wish to challenge me on a whole range of areas in which we might go further, but this is the announcement of a major pilot, and I will go on to talk about what we are actually doing. I really think that we should see this as an important step forward and an important part of delivering on LGBT health. I just wanted to say that at the outset, because it was a bit hard to get that from some of the contributions. I will talk a bit about the issue of action, which I have been challenged on.

Let me start, as I should, by congratulating my hon. Friend the Member for Finchley and Golders Green (Mike Freer) not only on securing the debate, but on championing the issue so consistently and passionately. The point has been made that we should be talking about these issues more often—well, he has been talking about them consistently over many years and the persistence of parliamentary prioritisation is showing results. It is really good to see him in his place and I congratulate him on what he has done.

As hon. Members know, and as many people have mentioned, we are advised on all immunisation matters by the Joint Committee on Vaccination and Immunisation. Back in 2008, on the advice of the JCVI, an HPV vaccination programme for girls was introduced across the UK. It is worth reminding the House that the primary objective of that programme was to protect against cervical cancer. The latest data—just to remind people—shows that there are about 2,500 cervical cancer cases a year and up to 900 deaths from that terrible disease. To give some sense of comparison, there are around 300 anal cancer cases among all men in a year. Those are the origins of this programme.

The HPV vaccine has been given to more than 3 million teenage girls across the UK since the programme started, and coverage is actually among the highest in the world. Hon. Members have, again, made reference to international comparisons. I was recently in Geneva for the World Health Assembly, discussing HPV vaccination with a small group of other Health Ministers; our rates are the envy of much of the world, so we must accept that this is an important and world-leading programme. The number of young women with pre-cancerous lesions is falling, here and around the world, and we expect protection against cervical cancer to be long term, eventually saving hundreds of lives each year.

The vaccine has been subject to numerous safety reviews and I have gone over that in some detail in other debates. I will write to the shadow Minister, the hon. Member for Denton and Reddish (Andrew Gwynne), about the specific issues that he raised today, but I want to assure him about the EMA reviews and the WHO reviews, which are all publicly available.

Protecting girls against HPV has wider benefits and will result in fewer HPV infections and less disease in heterosexual males. However, I recognise, as the House has today, that men who have sex with men—MSM—receive little or no benefit from the programme for girls. It was the increasing evidence of the link between HPV and oral, throat, anal and penile cancers, alongside the incidence of genital warts, that led the JCVI to decide to consider the possibility of HPV vaccination for MSM, and to reconsider the case for HPV vaccination of boys. I will come to the issue of boys, which has been raised by several hon. Members, if there is time—I think and hope there will be. However, I want to focus most of my time on MSM, which is the subject of the debate.

[Jane Ellison]

I do not intend to include a lot of statistics in my speech, as my hon. Friend the Member for Finchley and Golders Green has set them out and described the context well. However, I want to point out, with regard to the detail behind the figures he quotes, that some of it is not directly relevant to an HPV/MSM programme, as the figures include both male and female cases and cases of cancer unrelated to HPV.

MSM are one of the groups at highest risk of sexually transmitted infections in the UK and the Government are already taking a number of steps to improve their health and wellbeing. Again, I reject any suggestion that this issue is not a priority. It is quite the opposite: there has been a focus in the last year or so on MSM health and on LGBT health—that is something that we had previously not even begun to do. That includes, for example, the first LGBT health conference run by Public Health England and a number of other things that we have done. I am happy to speak to the hon. Member for Glasgow South (Stewart Malcolm McDonald) about that separately on another occasion.

The JCVI's advice was that a targeted HPV vaccination should be introduced for MSM aged up to 45 who attend genito-urinary medicine and HIV clinics, if procurement of the vaccine and delivery of the programme is possible at a cost-effective price. Everything in that sentence is the JCVI's advice. It is not just about the vaccine but about the delivery of the programme and the interrelationship between vaccination and attendance at GUM and HIV clinics, which is germane to the way that we are introducing this pilot.

In the JCVI's formal advice to us, it acknowledged that commissioning and delivering such a programme would be complex and challenging. It made it clear that the Department of Health and Public Health England would need to work together, and with others, to consider the commissioning and delivery routes for the programme. Over the last few months that is exactly what we have been considering with stakeholders, and on several issues. Demand is one such issue, and we have had to consider whether the programme will result in a greater than expected increase in attendance by MSM at GUM clinics, and the impact of that on broader sexual health services.

We have also had to consider administration costs and what is a reasonable and realistic price to pay for administration of this vaccine in GUM and HIV clinics. Stakeholders raised that during the consultation on the original JCVI advice. How do we monitor the success of a three-dose programme when data collected in GUM clinics are anonymised and MSM could go to different GUM clinics for each dose? There are complexities in this programme that are not present in, for example, the school-based HPV programme for girls.

Stewart Malcolm McDonald: Briefly, can the Minister tell me why those complexities exist here in England but not, presumably, in Scotland and Wales?

Jane Ellison: They do exist in other nations. I am making a statement of fact of how the system operates and how people access sexual health clinics. I will come to the devolved Administrations.

We have decided that the best way to resolve these and other issues is to pilot the programme. My hon. Friend the Member for Finchley and Golders Green asked who the vaccine will be available to under the pilot. The JCVI recommended a targeted programme aimed at MSM already attending GUM and HIV clinics, so under the pilot, MSM will be offered the vaccine during their existing appointment if they are at a participating clinic. Public Health England is running the pilot, which should confirm whether such a programme can be delivered at a cost-effective price.

In terms of evaluation, which my hon. Friend also referred to, data collected by clinics will be used to monitor coverage of the HPV vaccine and the proportion of MSM completing the course of vaccine. The impact of the vaccine on HPV-related cancers will obviously take many years to emerge, but the impact on the diagnosis of genital warts will be a useful proxy for that and will be seen much sooner. I expect to be updated regularly on the pilot's progress. My hon. Friend knows that I have taken a strong personal interest in this programme, and I will of course consider how best to share the information.

I understand that some stakeholders are disappointed that we are not rolling out the programme nationally immediately and some hon. Members here today have noted that Scotland and Wales have committed to implementing the JCVI's advice in full. However, they have yet to confirm how or when they will start. Scotland has not started yet, and we are happy to share lessons from the pilot as it is no doubt considering how to move forward. Officials from the Department, Public Health England and the devolved Administrations meet regularly on this issue and will continue to do so to share experience and learning. Health is a devolved matter.

I confirm that Northern Ireland officials are on our project board, but they do not yet have a ministerial decision on how they will respond to the JCVI advice on MSM. Obviously there are issues to be raised with that devolved Administration.

The key thing to stress is that this is a large-scale pilot and I was somewhat disappointed by some of the stakeholders' comments, particularly talk of stalling or of small pilots. This is a large-scale pilot that should eventually reach up to 40,000 MSM—more than 35% of those who attend GUM and HIV clinics annually. It will have a good geographical spread, including areas with the highest MSM populations, as well as rural areas with smaller MSM populations. That is relevant because, although there has been some piloting of vaccination in some clinics, it has been in a very limited geographical area and would not tell us enough about how this would work in practice in a national roll-out. The pilots will have a much broader spread. I can also confirm that the pilot will use the vaccine Gardasil-4 which was successful in the recent HPV procurement exercise.

I am pleased to announce that the pilot in England has already started. Two clinics went live in the pilot yesterday and others will come on board as soon as they are ready, hopefully over the next few months. There has been a positive and enthusiastic response from clinics invited to participate, and I am grateful to all those working on the ground to make this happen.

My hon. Friend asked how long the pilot will run. It will run during 2016-17 and decisions on next steps will be dependent on the progress and outcome of the pilot.

Jonathan Lord (Woking) (Con): Like other Members, I pay tribute to the leadership on this issue of my hon. Friend the Member for Finchley and Golders Green (Mike Freer) whose work is appreciated across the House.

I have been following the debate very carefully, but it is not clear in my mind how a pilot of MSM will act as some sort of proxy or in any way affect the decision on immunising schoolboys. I do not see how one will inform the other.

Jane Ellison: I have not claimed that one is dependent on the other. They are two separate recommendations from the JCVI, and I will explain what is happening with boys. There are many questions about extending the HPV vaccine to boys and I understand the wish for it to be available to all adolescents regardless of gender. The JCVI is reconsidering its initial advice on this and modelling is under way to inform its consideration. Public Health England expects to complete the modelling by early 2017 and the JCVI's advice is expected to follow soon after that, after which we can respond. We will look at that as a priority when we get it.

We have discussed in this Chamber whether we can speed that up. I recognise the frustration that people have expressed and I have talked personally to Public Health England officials who are involved in the modelling work. It would be a huge programme to roll out to adolescent boys and JCVI needs to base its advice on very robust analysis of cost-effectiveness. To do that, a complex model is being built. I have been assured that this is not about additional resource. I have asked whether it is a case of needing additional resource to speed the work up, but I am assured that it is not. It is because of the complexity of the model development and the fact that some of the models are time-consuming to run. Essentially, they are modelling behaviour over time, and to do that, one needs time in order to be able to understand how different aspects of the model interact with one another. I have been told—I have no reason to doubt this, because I have asked experts involved in it—that shortcuts could undermine the validity of the results and could not be supported by the JCVI. The model is building on the cervical screening model to create an integrated model of both HPV screening and vaccination, so that we get an understanding of what the interplay is between vaccination and screening programmes in the prevention, diagnosis and treatment of HPV.

I am happy to write with more detail to hon. Members, but I hope that I have given them a sense of the fact that this is complex work: it is under way and we will look to respond to it as soon as we can. However, these are

important decisions that the JCVI will take and, because the Government have always acted on its recommendations, it is important that it gets them right and they are based on the right data. This is a significant programme, but the work is well under way and I will look to report back to the House at every opportunity I can.

The HPV vaccination programme for girls is going very well, and there is now scope for an additional programme to make a difference to the lives of MSM, which this will. The pilot will provide answers to the questions that we still have and the answers that we need for a programme of this nature—I have hinted at some of the delivery complexities. We expect to see benefits from the pilot emerge relatively soon through the reduction in genital warts cases and through treatment in MSM, particularly by targeting higher risk MSM.

I hope that that updates the House as fully as possible at this stage. As I said, I will be happy to update it in the future on how the pilots are going. I want to end by again congratulating my hon. Friend the Member for Finchley and Golders Green on initiating the debate and on his persistent campaigning, and to reassure and commit to the House my determination to improve the health and wellbeing of MSM and to see this pilot as a significant step forward in that task.

5.38 pm

Mike Freer: First, I would like to put it on the record that this pilot is a success. Hon. Members need only go back and read the previous debates to see how the JCVI had simply set its face against extending HPV vaccinations to boys and MSM. It was implacably opposed, and it took a lot of badgering from Members of this House and from Ministers to get the JCVI to change its terms of reference. It has taken us three years to get to this point, but I welcome the pilot and I welcome the Minister's explanation of the complexities and why we have to ensure that the pilot is robustly monitored before we can take the extension of the vaccinations any further.

I finish by thanking colleagues for joining the debate today and for the broad cross-party support. We covered all perspectives, including MSM, boys, the minority known as heterosexual men and dental health practitioners—have I missed anyone out? Men are notoriously bad at seeking help with their health, especially sexual health. Vaccination is the way forward. I welcome this positive step forward and thank colleagues for their attendance today.

Question put and agreed to.

Resolved,

That this House has considered HPV vaccinations for men who have sex with men.

5.40 pm

Sitting adjourned.

ORAL ANSWERS

Tuesday 7 June 2016

	<i>Col. No.</i>		<i>Col. No.</i>
TREASURY	1015	TREASURY—continued	
Brexit	1023	Exports	1026
Business Support	1021	Northern Powerhouse	1017
Capital Gains Tax/Corporation Tax.....	1027	Tax Transparency.....	1029
Contingencies Fund	1029	Topical Questions	1031
Disabled People: Government Expenditure.....	1028	Young People	1015
Employment Trends	1019		

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CONTENTS

Tuesday 7 June 2016

Oral Answers to Questions [Col. 1015] [see index inside back page]
Chancellor of the Exchequer

NHS Commissioning (Pre-Exposure Prophylaxis) [Col. 1037]
Answer to urgent question—(Jane Ellison)

Wales [Col. 1048]
Bill presented, and read the First time

Investigatory Powers Bill [Col. 1049]
As amended, further considered; read the Third time and passed

Petition [Col. 1160]

Comparative Healthcare Economics/NHS Finance [Col. 1161]
Debate on motion for Adjournment

Westminster Hall
Support for Life-shortening Conditions [Col. 31WH]
Conveyancing [Col. 57WH]
Diabetes-related Complications [Col. 64WH]
UN Peacekeeping Week 2016 [Col. 89WH]
HPV Vaccinations for MSM [Col. 98WH]
General Debates

Written Answers to Questions [The written answers can now be found at <http://www.parliament.uk/writtenanswers>]
