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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES
(HANSARD)**

Monday 12 September 2016

House of Commons

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The House met at half-past Two o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

DEFENCE

The Secretary of State was asked—

Daesh

1. **John Glen** (Salisbury) (Con): What assessment he has made of progress in the campaign to counter Daesh. [906239]

The Secretary of State for Defence (Michael Fallon): The campaign against Daesh is making steady progress. With coalition support, Iraqi forces have freed Fallujah and, as part of preparatory operations for retaking Mosul, have liberated Qayyarah town. The Syrian Democratic Forces have taken Manbij and Turkish-backed opposition forces have taken Jarabulus and al-Rai, effectively denying Daesh its last border crossings into Turkey. As we approach the second anniversary of our military operations, I should like to pay tribute to the men and women of all three services, who work tirelessly to defeat Daesh and to keep Britain safe.

John Glen: I thank the Secretary of State for that answer, but given the announcement of a US and Russia-negotiated ceasefire in Syria, does he believe that Russia is now an unpredictable ally or an unwelcome threat in the fight against Daesh?

Michael Fallon: As my hon. Friend knows, Russian military activity in Syria has supported the Assad regime, a regime that bombs, tortures and starves its own people. While we welcome the latest ceasefire from tonight, it is Russia that must make it work by stopping Assad attacking Syrian civilians and moderate opposition groups, and by helping to get humanitarian aid into Aleppo and other cities that have been starved of food.

Phil Wilson (Sedgefield) (Lab): The G20 communiqué last week in China talked about terrorist financing. I know that we have done a lot in our military operations to try to degrade that, but will the Secretary of State say what more the UK can do to degrade the money that the terrorists are getting in from smuggling oil, from extortion and so on? What more can the UK military do to deny Daesh those sources of funding?

Michael Fallon: The infrastructure targets that the RAF has been attacking in recent months have included oil installations to reduce the revenue that Daesh has been getting from oil trading. Sealing the border, too, will help to stop the flow of illicit goods and, indeed, oil across the border. We continue to work with our international partners to reduce the access of Daesh to the financial system.

Jack Lopresti (Filton and Bradley Stoke) (Con): May I ask the Secretary of State why it took a year for us to supply ammunition for the heavy weapons that we supply to the peshmerga in Iraq? Can he assure the House that such delays will never happen again, and that we are doing everything that we possibly can to help the peshmerga in their fight against Daesh?

Michael Fallon: We have supplied, as my hon. Friend knows, not only heavy machine guns to the peshmerga but ammunition for those heavy machine guns. I announced earlier in the summer a fresh gift from us of ammunition for those heavy machine guns, and I am very pleased to tell him that that ammunition has now arrived and is being used.

Tom Brake (Carshalton and Wallington) (LD): The US-Russia agreement to tackle Daesh will clearly have an impact on British forces. Is the Secretary of State able to say anything about the deployment of our Air Force there, or indeed of our special forces?

Michael Fallon: We do not, as the right hon. Gentleman knows, comment in this House on the deployment of our special forces in any country in the world, but he raises an important point about de-confliction of the airspace. At the moment, we are party to the agreement between Russia and the United States, and that agreement ensures that there is minimum risk of collisions or misidentification of aircraft. That, obviously, will continue to be the case after the ceasefire, which we hope will take effect tonight.

24. [906263] **Luke Hall** (Thornbury and Yate) (Con): May I ask my right hon. Friend to update the House on when the additional trainers that he has announced will be deployed to Iraq to support the liberation of the Iraqi people from Daesh?

Michael Fallon: I announced in June that we would be sending another 250 British troops to the al-Asad airbase in western Iraq to complement the Danish training programme, as part of what is called the building partner capacity effort. I am very pleased to tell my hon. Friend that the advance party from 4 Rifles arrived in the last few days at al-Asad airbase.

Brendan O'Hara (Argyll and Bute) (SNP): This is indeed a critical time for the future of Syria. May I add the voice of Scottish National party Members to those from across the Chamber in wishing the proposed ceasefire in Syria well? We echo the call for all sides in this awful conflict to observe the ceasefire.

Given that the ceasefire is vital to the campaign to defeat Daesh, may I ask the Secretary of State what discussions the UK Government have had with both

the United States and the Russian Federation, and what role the UK Government played in helping to broker this ceasefire?

Michael Fallon: I am grateful to the hon. Gentleman for his earlier remarks. The UK Government have been involved in promoting this ceasefire all the way back from the original cessation of hostilities, which was announced at the Munich security conference. We have been part of the intense efforts to get and to keep moderate opposition groups around the table to negotiate a future settlement for Syria, and we have also been part of encouraging the ceasefire as well.

Brendan O'Hara: Talking of the moderate forces, what discussions have the UK Government had with the representatives of the 70,000 moderate troops, whom we were led to believe we were discussing ahead of last year's decision to bomb Syria? Will the Secretary of State tell us what contact has been made and what assurances have been given by those moderate forces that this ceasefire will stick?

Michael Fallon: We have been in contact with exactly those moderate forces. Indeed, representatives from the different opposition groups in Syria were in London last week for precisely those kinds of discussions. We very much hope that the ceasefire will stick now. A large part of that will depend on Russia persuading the Syrian regime to back the ceasefire, but it is also important that it is properly respected right across northern Syria as well.

Nusrat Ghani (Wealden) (Con): Challenging the death cult ideology of Daesh is vital if we are to tackle this type of terrorism. Will the Secretary of State update the House on the progress being made by the 34 Muslim nations, co-ordinated by Saudi Arabia, to defeat Daesh?

Michael Fallon: Yes, we welcome the efforts that are being made, led by Saudi Arabia. I visited the centre it has established in Riyadh to lead this effort to make it very clear that Islam is a religion of peace and to co-ordinate the various programmes of de-radicalisation that are already in force across the Arab world.

Clive Lewis (Norwich South) (Lab): We all very much welcome the recent announcement of a ceasefire in Syria. As well as providing an opportunity for all sides to focus on defeating Daesh, it creates a space for further negotiations aimed at ending the conflict once and for all. The need for a negotiated settlement in Syria is as urgent as ever, particularly in light of horrifying reports of yet another chlorine attack in recent days. Will the Secretary of State tell the House a little more about the implications for the delivery of humanitarian aid to civilians in Syria under the ceasefire details?

Michael Fallon: I am grateful to the shadow Defence Secretary for what he has said and for his support. Getting humanitarian aid into Aleppo and some of the other towns and cities that have suffered is a key part of the ceasefire. I think one of the tests of the ceasefire will be whether the regime is really prepared to allow in these much-needed convoys.

British Normandy Veterans: Légion d'Honneur

3. **Kevin Foster (Torbay) (Con):** What discussions have taken place with the French Government on awarding the Légion d'Honneur to British Normandy veterans. [906241]

The Parliamentary Under-Secretary of State for Defence (Mark Lancaster): Since the extremely generous offer by President Hollande to confer the Légion d'Honneur on surviving veterans of the campaigns to liberate France in 1944, we have had a number of discussions with representatives of the French Government about the criteria and process for making the award. As a result, the French Government have presented more than 3,500 medals to British veterans. Officials in London and Paris remain proactively engaged to make the process as smooth as possible.

Kevin Foster: Three 94-year-old south Devon Normandy veterans—Ferneley Nankivell, Alan Carncross and Robert Barbour DFC—are still waiting for the award of their Légion d'Honneur, and other veterans have passed away during the past year without receiving it. Will the Minister join me in calling on the French authorities to resolve this issue as a matter of urgency, and to look at whether the honour can still be awarded to those who have passed away since July 2014?

Mark Lancaster: The Légion D'Honneur is established by law in France, with set requirements for scrutiny and approval. Within those limits, the French authorities have done their utmost to expedite the issue of the awards. As in the UK, such honours and awards are generally not made posthumously. I can confirm that the cases of Mr Barbour and Mr Nankivell have been submitted to the French authorities. Unfortunately, there is no record of an application for Mr Carncross, but if one is submitted, I will ensure that it is expedited.

Mr David Hanson (Delyn) (Lab): I do appreciate the efforts of the Minister and the Department to ensure that individuals get their Légion d'Honneur medals, but like the hon. Member for Torbay (Kevin Foster), I still know of a large number of people who are qualified for the medal and have applied for it but have not received it. Is it possible for the Minister to carry out an audit of how many applications are outstanding in the United Kingdom, so that he can chase them up?

Mark Lancaster: The French have awarded approximately 3,500 medals, and we have sent the French about 4,300 applications. At the moment, the process is taking between six and eight weeks. I appreciate that that is still a significant period given the age of the cohort in question, but I can assure the right hon. Gentleman, who has pursued the issue persistently over the past year, that we have done everything we can to make the process as quick as possible given the circumstances and the age of the veterans involved.

Sir Edward Leigh (Gainsborough) (Con): Through you, Mr Speaker, may I say as chair of the all-party France group that the French embassy is doing its best in difficult circumstances, and that if anybody has a constituent who has a problem, they should write to me

and we will get the Légion d'Honneur to them straight away? These people deserve better, and we will do our best for them.

Mr Speaker: Of course, the hon. Gentleman is too modest to reveal to the House that although he is not himself a Normandy veteran, as is demonstrably apparent, he does hold the honour.

Mark Lancaster: I am grateful to my hon. Friend for the support that he offers. I can only repeat that we are keen to get applications expedited as quickly as possible. Although all of the cohort are of a certain age, if any hon. Member has a constituent about whom they are particularly concerned, I ask them to contact us and we will endeavour to get the Légion d'Honneur to them as quickly as possible.

Defence Spending: Small Firms

4. **Victoria Prentis** (Banbury) (Con): What steps he is taking to increase the level of defence spending with small firms. [906242]

10. **Alberto Costa** (South Leicestershire) (Con): What steps he is taking to increase the level of defence spending with small firms. [906248]

The Parliamentary Under-Secretary of State for Defence (Harriett Baldwin): Small businesses are crucial for growth and innovation in this country, and we want them to take an increasing share of our growing defence budget. We are committed to achieving 25% of our procurement spend being with small and medium-sized enterprises by 2020. That target is 10% higher than the one set during the last Parliament.

Victoria Prentis: May I say how nice it is to see my hon. Friend in her place? May I drill down a little and ask her what steps she can take to ensure that the Ministry of Defence's largest customers use small firms to deliver their contracts?

Harriett Baldwin: My hon. Friend is absolutely right that it is essential that we work on that not only in our direct defence procurement process but with our supply chains. I am delighted to be able to let the House know that the supply chain advocate network and the supply chain champions, which my predecessor announced, are well under way, and that last year the Ministry of Defence was able to have direct spend with almost 5,000 different companies.

Alberto Costa: What measures can the MOD take to reduce the regulatory burden on small firms such as those in my constituency when they make applications for defence equipment procurement?

Harriett Baldwin: My hon. Friend is right to highlight ways in which we can make the process easier for small and medium-sized businesses. For example, this year we removed the turnover requirement in the pre-qualification process, and we are working towards simplifying the contract terms and reducing them to just three pages.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): I welcome the Minister to her new position. Will she take notice of what happens in Huddersfield, where we have

David Brown Gear Systems and many other fine companies making things that our defence forces want? Will she dissociate herself from the term "fat and lazy", which was used about British businessmen? We have no fat and lazy businessmen in Huddersfield.

Harriett Baldwin: Those were certainly not my words, and I pay tribute to the many businesses in Huddersfield and South Yorkshire that do such wonderful work in supplying the Ministry of Defence.

Richard Arkless (Dumfries and Galloway) (SNP): On Wednesday I raised the issue of an engineering company in my constituency that had gone into administration. I place on record my appreciation of the Minister, who, at very short notice, scrambled around and rearranged her diary to meet the administrators, who are in the Gallery today. We thank her very much. In advance of that meeting, will she agree to work with me and the administrators to leave no stone unturned, so that we can do our best to save valuable jobs and engineering experience at Penman?

Harriett Baldwin: The hon. Gentleman is working hard to represent the interests of his constituents; not only did he raise this case last week at Prime Minister's questions but I am pleased to say that we will be able to meet him and the administrators later today.

Mark Pawsey (Rugby) (Con): In Rugby we are very proud of the contribution that GE Power Conversion is making to the Type 26 global combat ship programme; it is also important to recognise its contribution to the local economy through the orders it places with subcontractors and through local small businesses.

Harriett Baldwin: My hon. Friend is absolutely right to highlight that earlier this year we were able to announce contracts for some of the long lead-time items as part of that programme, and also to highlight the way in which small and medium-sized businesses play such an important role in that supply chain.

Kate Hollern (Blackburn) (Lab): It is interesting to listen to the Minister. I greatly support the aim of 25% of defence expenditure being with small and medium-sized enterprises by 2020. However, figures published last month showed clearly that only 2% of spending went to companies assessed as SMEs. The SME status of suppliers is determined by independent verifiers. Why has there been no assessment of new MOD suppliers since 2014? Is the Department resorting to creative accountancy?

Harriett Baldwin: I do not recognise the figures that the hon. Lady cited. I can confirm that in 2014-15 we spent 19% with small and medium-sized businesses. She will be aware that, as she highlighted, the contract with Dun and Bradstreet for evaluating the characteristics of different firms, which is a Cabinet Office contract, ended in 2014. We are in the process of discussing with Cabinet Office colleagues what the successor framework will be like.

Litigation Against the Armed Forces

5. **Mr Dominic Raab** (Esher and Walton) (Con): What steps he is taking to prevent abusive litigation against the armed forces. [906243]

6. **Chris Davies** (Brecon and Radnorshire) (Con): What progress his Department has made on protecting the armed forces from persistent legal claims. [906244]

The Minister for the Armed Forces (Mike Penning): We are determined to meet our manifesto commitment to ensure that our armed forces overseas are not subject to persistent legal claims that undermine their ability to do their job. I am continuing to explore the work that my predecessor did, working across Government to bring forward proposals in the very near future.

Mr Raab: I welcome the Minister's statement and urge him and the Government to press ahead with reforms in this area, in particular with regard to the extraterritorial jurisdiction of human rights laws and civil law limitation periods, so that we have accountability for rare acts of wrongdoing, but do not subject those risking life and limb for their country to vexatious litigation by ambulance-chasing lawyers.

Mike Penning: My hon. Friend was in the same Department as me before I had the honour of taking on this role. It is very important that those who have done wrong are dealt with, but it is really wrong that tax-paid lawyers are chasing around the country trying to prosecute other people.

Chris Davies: Our armed forces are the best in the world and we must do everything to protect them, both on and off the battlefield. Many soldiers are based in barracks at Sennybridge and Brecon in my constituency; will my right hon. Friend assure them and me that the Iraq historic allegations tribunal will look very carefully at the claims made against British forces personnel and whether to reject those allegations, particularly following the demise of Public Interest Lawyers?

Mike Penning: I think we all welcome the demise of Public Interest Lawyers. It is for the regulatory authorities to look closely at what it did and how it earned its income. I trained at Sennybridge many years ago. I assure everyone in the armed forces that these Ministers and this Government are behind them and will make sure that we protect them as much as possible.

Mr Julian Brazier (Canterbury) (Con): I welcome my right hon. Friend to his place, and especially welcome his stance on this matter. He may have to spread his net even wider than he thinks. Is he aware that Phil Shiner, who has made so much money out of this situation, is trying to conceal his ill-gotten gains by threatening those editors who are threatening to expose him with recourse to the Independent Press Standards Organisation on the basis of so-called mental health problems?

Mike Penning: First, I pay tribute to my hon. Friend for his work—not just as Minister for the Reserves but ever since he came to the House—for the reserves, in which he has served honourably, as well. Let us let the regulatory bodies do their work first and see what comes out of the other side, and then see whether any other processes, including perhaps even legal action, are needed.

Defence Procurement: Steel Industry

7. **Christina Rees** (Neath) (Lab/Co-op): What steps he is taking to ensure that the British steel industry and its workers benefit from current and future defence procurement. [906245]

The Parliamentary Under-Secretary of State for Defence (Harriett Baldwin): We positively encourage bids from British companies to ensure they are in the best possible position to win future steel contracts. We have issued new policy guidance to address the barriers which might prevent UK steel producers from competing effectively in the open market.

Christina Rees: Now that Government Departments are mandated to provide information about the proportion of UK steel used in the Crown Commercial Service, will the Minister please tell the House what percentage of UK steel is used in current defence projects and what percentage will be used in future?¹

Harriett Baldwin: The hon. Lady rightly speaks up for steel production in her constituency. She will be very pleased to know that, for the largest project that the UK Government have ever procured that uses steel—she will be aware that that is the carrier programme currently under construction on the Clyde—the vast majority comes from Tata Steel. I believe it is 94%.

Tom Pursglove (Corby) (Con): I wholly support the increasing use of small firms for defence procurement, but will the Minister undertake to encourage those small firms to use British steel wherever possible?

Harriett Baldwin: My hon. Friend is absolutely right that it is a process of encouraging competition not only within the procurement process, but where there are long lead-time items. In our strategic defence and security review, we clearly set out the largest programme of investment in ships for some time, and there will be a lot of long lead-time items. Small business and producers will be able to work with those who are procuring contracts with prime contractors to find a place in that supply chain.

Kate Hollern (Blackburn) (Lab): Recent defence procurement decisions have failed to take into account the benefits to the UK economy gained by manufacturing domestically. A growing number of products, particularly steel, are procured abroad. Will the Minister therefore commit to assess the wider economic and social benefits derived from building the three new solid support vessels in the UK with British steel, and to share that information with the House?

Harriett Baldwin: The hon. Lady is right again to highlight the fact that, in our strategic defence and security review, we set out a programme in which we are investing in more ships and more aeroplanes, and there is more cyber-investment. She mentions the solid support ships. They will not be procured until later in the Parliament, but I assure her that we will do everything we can with those long lead-time items and the programmes that have been set out in advance to ensure that British companies, including British steel companies, have all the information they need to be successful.

1. [Official Report, 11 October 2016, Vol. 615, c. 4MC.]

Defence Procurement: Single-source Contracts

8. **Nigel Mills** (Amber Valley) (Con): What recent assessment he has made of the value for money obtained from single-source defence procurement contracts.
[906246]

The Parliamentary Under-Secretary of State for Defence (Harriett Baldwin): Competition remains the best way of securing value for money but sometimes we need to place single-source contracts. We therefore established a new regime backed by statute with an independent regulator to ensure contract costs and profit rates are both reasonable and transparent.

Nigel Mills: I thank the Minister for that answer. If the Single Source Regulations Office to which she refers seeks to proceed with its current proposal to reform the profit rates on those contracts, will she commit that those changes will this time have the Government's support?

Harriett Baldwin: Yes, in March this year we reduced the profit rate on single-source contracts from 10.6% to 8.95%. The regulator will then recommend a rate for 2017, which we will consider carefully, along with its recommendation on multiple profit rates.

Mrs Madeleine Moon (Bridgend) (Lab): What steps will the Minister take to ensure that, where single-source contracting is placed abroad with, say, American companies, there are appropriate levels of set-aside, so that apprenticeships and the seed-corning for future capability in British defence companies are protected and facilitated?

Harriett Baldwin: The hon. Lady will be aware that that is an ongoing subject of discussion, and of the commitment that General Dynamics has made in Wales in the part of the world she represents to create 250 jobs in the supply chain for the Ajax vehicles.

Mr Philip Hollobone (Kettering) (Con): Whether contracts are derived from single source or open competition, unnecessary costs can be incurred when design specifications are changed after the contract has started, for example with the Type 45s. What steps is the Minister taking to ensure that late changes after contracts have started no longer occur?

Harriett Baldwin: My hon. Friend is right to highlight one of the major themes that came out of the review into how we can improve defence procurement. As he rightly points out, there were problems with the design of the Type 45, which was ordered at the beginning of the previous decade, that have subsequently been costly to rectify. That is why we now take such care on design: to prevent such things from happening in future.

Andrew Gwynne (Denton and Reddish) (Lab): I welcome what the Minister said in answer to an earlier question about targets that are in place to ensure small and medium-sized enterprises in the UK benefit from defence procurement. When she is considering value for money and single-source contracts, can she assure the House that value for money includes British jobs, British skills and, as my hon. Friend the Member for Bridgend (Mrs Moon) said, investment in apprenticeships?

Harriett Baldwin: I thank the hon. Gentleman for mentioning apprenticeships and our commitment to continuing to work with our single-source suppliers. We can clearly see that they are some of the lead providers of apprenticeships across the defence procurement area.

Military Research: Commercial Applications

9. **Tristram Hunt** (Stoke-on-Trent Central) (Lab): What recent assessment he has made of the effectiveness of his Department's support for commercial applications of UK military research.
[906247]

The Secretary of State for Defence (Michael Fallon): We aim to maximise the benefit for the UK from new technologies and know-how developed through defence research. Our science and technology organisation, the Defence Science and Technology Laboratory, DSTL, exploits those results through its technology transfer company, Ploughshare Innovations Limited, which we estimate will have contributed over £200 million to export value by 2018 and generated over 500 jobs. On Friday, I will launch our plans for a new approach to further exploiting innovation in defence.

Tristram Hunt: During the recess, I spent some special time with the Government Chief Whip, the right hon. Member for South Staffordshire (Gavin Williamson), and the hon. Member for Stafford (Jeremy Lefroy) visiting the Signal Regiment at Stafford barracks. As we continue to draw down from Germany, Stoke-on-Trent and Staffordshire are enjoying an influx of highly trained personnel and, with them, the potential growth of telecoms businesses. May I urge the Secretary of State to hold a meeting with the Stoke and Staffs local enterprise partnership to see how the Ministry of Defence can help to ensure that local businesses enjoy some input to their growth from the arrival of highly trained personnel and their military research at Stafford barracks?

Michael Fallon: I am happy to help to facilitate that meeting with the defence procurement Minister. I am aware there are a number of companies in the hon. Gentleman's constituency that have already submitted proposals to the Centre for Defence Enterprise. I think they have received some feedback. We are as anxious as he is that we capture that know-how for the future.

Marcus Fysh (Yeovil) (Con): I welcome the Government's recent partnership agreement with Leonardo's helicopters division on research into unmanned aerial vehicles. Will Ministers work with me to help to maximise the effect this will have on supporting design and engineering jobs in Yeovil?

Michael Fallon: We are very happy to do that. My hon. Friend will recall that at Farnborough we announced the signing of a 10-year strategic partnering arrangement with Leonardo, one of the most important defence companies based in Britain. I hope that that will help to enhance jobs in his constituency through further export success, and through the right technology and innovation that also meet our defence requirements.

Army Recruitment

11. **Jim Shannon** (Strangford) (DUP): What steps he is taking to address shortfalls in recruitment to the Army. [906249]

The Minister for the Armed Forces (Mike Penning): We continue to invest in recruitment to attract the diverse and talented workforce we need now and in the future for our armed forces. Over 8,100 new recruits joined the regular Army last year, an increase on the previous year. In July, the trained strength of the Army reserve was 23,400, which is very close to matching the 30,000 we need. We will continue to work very closely with all parts of the country, in particular Northern Ireland.

Jim Shannon: I thank the Minister for that response. I understand that this is the first time that a boy soldier or someone from the ranks has risen to the position of Minister of State. I think that that is worthy of note in the House. As a help to Army recruitment, reserves in Northern Ireland have met their targets. Can the number of reserves in Northern Ireland be increased to take into account our positive recruiting environment?

Mike Penning: I thank the hon. Gentleman for his kind comments. We were close when I was a Northern Ireland Minister, and I visited his constituency on more than one occasion. I shall visit the Province in the near future when I meet 38 Brigade. The ceiling we have is not a ceiling in the sense that we do not want any more people from Northern Ireland; it is a question of whether the operational units are able to take them. I shall look closely at whether Northern Ireland can take more, and I would like to congratulate Northern Ireland on serving the Crown so well over so many years.

Mrs Flick Drummond (Portsmouth South) (Con): What steps is my right hon. Friend taking to address the shortfall to the Royal Navy, particularly among engineers? Has he had any discussions about providing short-term secondment to engineers from industry to serve on Navy ships?

Mike Penning: That is exactly what we are trying to do—to be as flexible as possible with the contracts to allow short-term and long-term secondment from industry. We are also talking closely with other navies, and particularly the American navy. There is a shortfall in specific areas. What we need to do is make sure that the offer we make, whether it be for marine engineers or any other part of the armed forces, is suitable for the 21st century. That is something I am determined to do.

Toby Perkins (Chesterfield) (Lab): I welcome the Minister to his post. One big issue he is taking on is how to assist the Government to achieve the Conservative election manifesto pledge for the Army not to fall below 82,000. He has spoken a bit about recruitment, but does he also recognise the huge issue of retention in the British Army? Does he think that what he is saying recognises the scale of the challenge the Government face in achieving that manifesto pledge? At the moment, it looks unlikely that they will achieve it.

Mike Penning: We are determined to fulfil the manifesto pledge, not only because it is a manifesto pledge, but because it is right for the Army in particular. I know

how difficult retention can be because I purchased my discharge from the Army myself. I shall be looking carefully at what is making people leave. Are we offering them the right sort of service? Are we being as flexible as we can? For instance, when I left the Army all those years ago, I received a letter a couple of months later asking me whether I wanted to re-enlist. Let us make sure that that sort of thing continues to happen—when we have people in uniform, let us keep them in uniform.

James Cleverly (Braintree) (Con): I welcome the Prime Minister's commitment to an inequalities audit across the public sector. Given that the younger demographic from which the Army recruits is increasingly ethnically diverse, will my right hon. Friend the Minister commit to pay special attention to the recruitment, retention and promotion figures for black and minority ethnic service personnel?

Mike Penning: I would like to pay tribute to my hon. and gallant colleague for his service to Her Majesty when he was in uniform. If the armed forces are to work in the 21st century, they must represent the community from which they come. Whether we are talking about more BME people or more women in the armed forces—we have a 15% target for women, which is a very high level—we must be careful to make sure that we promote the armed forces to those people, whatever part of the community they come from, so that they feel comfortable working in the armed forces. That is something I am absolutely determined to do.

Clive Lewis (Norwich South) (Lab): I add my voice to those who have welcomed the Minister to his post. He is, I think, in the hot seat on this particular issue. This Government might not be very good at meeting their own targets, particularly on Army recruitment, but Ministers at least deserve points for creativity. Their plan to grow the trained strength of the Army by changing the definition of “trained” might help with cooking the books, but it will not do a thing to address the actual problem. Will the Minister tell us whether he believes it is appropriate for personnel to be deployed on operations before completing their full training and, if so, how he can be confident that they will be adequately prepared?

Mike Penning: Let me say that I know from experience that some duties can be done once people have passed their phase 1 training. That certainly was done back in my time in 1974 when there was a Labour Government. If we are trying to recruit people, we need money, but Labour wants to cut money, and we need to be part of NATO, but the Labour party leadership wants to take us out of it. That is something that we would never do, but if they want to undermine our armed forces, they should do just that.

Richard Drax (South Dorset) (Con): I welcome my right hon. Friend to his place, and I would like to touch on Navy recruitment, if I may. Will he quash these rumours that we will not have enough trained sailors to man both our aircraft carriers when they are launched?

Mike Penning: We have not hidden the fact that it is very difficult to make sure that we do everything we possibly can, but we will do that. I was on the Queen

Elizabeth only the week before last and I watched our other aircraft carrier being built. When the particular moment comes, we will have the crews and these carriers will be the pride of the Navy.

Defence Procurement: Type 31 Frigate

12. **Mr Douglas Carswell** (Clacton) (UKIP): If he will make it his policy to co-operate with NATO members at the concept and assessment stage of the procurement cycle for the Type 31 frigate. [906250]

The Parliamentary Under-Secretary of State for Defence (Harriett Baldwin): While we must maintain the UK's freedom of action to operate independently, interoperability with our NATO allies is fundamental to virtually all UK defence capabilities. For the general purpose frigate, the Royal Navy is already exploring how that could be delivered, and considering how the ship will operate within NATO.

Mr Carswell: Does the Minister agree that opening up more of the procurement process to a broader range of suppliers, and avoiding any hint of protectionism, may make it possible to keep the cost of replacing our frigates low?

Harriett Baldwin: The hon. Gentleman takes a close interest in defence procurement issues, and I know that, like the rest of the House, he will be eagerly anticipating Sir John Parker's national shipbuilding strategy, which he has committed himself to publishing before the autumn statement. In that context, the hon. Gentleman will obviously be aware that complex warships can only be built in the United Kingdom.

Douglas Chapman (Dunfermline and West Fife) (SNP): When can we expect an announcement on the building of the Type 31s? We have the capability, we have the skills, and presumably we have the budget. Scotland expects!

Harriett Baldwin: Let me gently remind the hon. Gentleman that we are building these ships because we all decided to remain part of the United Kingdom. We are in the process of providing our armed forces with more ships, more aircraft and more equipment than ever before. As soon as we have a concrete timetable to announce to the House, we will do so.

Type 26 and General Purpose Frigates

13. **Margaret Ferrier** (Rutherglen and Hamilton West) (SNP): What changes have been made to the timetable for building Type 26 and general purpose frigates on the Clyde. [906251]

The Secretary of State for Defence (Michael Fallon): The cost and production schedule for the Type 26 global combat ship will be decided at the "main investment decision" point of the programme. Negotiations are ongoing with BAE systems to deliver a contract that will give value for money to both the Navy and the taxpayer. The general purpose frigate programme is in its very early stages. Decisions on build location and timetable will take advantage of the recommendations of the national shipbuilding strategy.

Margaret Ferrier: The Secretary of State is well aware that his Department promised 13 frigates on the Clyde in 2014, and a huge part of the Scottish independence referendum case for the Union rested on that promise. Given that the number has already dropped to eight, why can the Secretary of State not answer a simple question: when will the Type 26 design be approved?

Michael Fallon: There will still be a large number of new frigates, but there will specifically be eight new anti-submarine warfare ships, designed to protect the deterrent that the Scottish National party voted against just a few months ago. I hope that the timetable will be set out shortly, when the design continues to mature and the negotiations with BAE Systems have been completed.

Dr Julian Lewis (New Forest East) (Con): Is it not a fact that BAE Systems is ready to start cutting steel right now, and all that is holding things up is a lack of funds in the MOD's budget? If we do not start building these ships on time, we will doubtless end up with the same old story: we will drop below the already inadequate total of 19 frigates and destroyers, or else we will have to pay a lot more money to keep old ships in service for longer than they should be kept in service.

Michael Fallon: Let me reassure my right hon. Friend. We have already invested more than £1.8 billion in the Type 26 ship, and I announced a further £183 million in July for the guns to go on the ship. Much of the design work has been completed, but I am not prepared to sign a contract with BAE Systems until I am absolutely persuaded that it is in the best interests of the taxpayer and, indeed, the Navy, giving value for money to both.

Chris Stephens (Glasgow South West) (SNP): The Secretary of State will be aware that the shipyards are in my constituency. The clear message from the workforce might best be conveyed by my paraphrasing Darth Vader: we want these ships, not excuses. Will the Secretary of State explain why, although the original timetable for the cutting of steel was May this year, it has not yet happened? May I ask him to speed up the process, so that ships can be built on the Clyde?

Michael Fallon: We would not be ordering any ships from the Clyde if Scotland had become independent last spring, because complex warships are only built in the United Kingdom. Let me be clear: this contract must be in the best interests of the taxpayer. I am aware of the need to sustain employment on the Clyde, which is why, last December, the strategic defence review announced the construction of two further offshore patrol vessels, in addition to the three that are currently being built on the Clyde.

Bob Stewart (Beckenham) (Con): Is it possible for the MOD to consider positioning Gibraltar as a home port for at least one of the Type 26 offshore patrol vessels, where the facilities are superb for them and they are in a very good position to operate?

Michael Fallon: That is a suggestion I will certainly consider. Gibraltar is a key base for the Royal Navy. I think last week we had two, possibly three, ships from

the Royal Navy calling in on Gibraltar, and Gibraltar of course retains its affiliation to the Crown despite the recent referendum.

Apprenticeships

14. **Bridget Phillipson** (Houghton and Sunderland South) (Lab): What steps he is taking to ensure support for quality apprenticeships and training programmes through current and future defence procurement. [906252]

The Parliamentary Under-Secretary of State for Defence (Mark Lancaster): The MOD is proud to be one of the largest providers of quality apprenticeships in the UK, and indeed the largest in Government, having delivered over 150,000 apprenticeships. We work closely across both Government and industry to develop apprenticeship standards, helping to build and maintain key defence skills across the country.

Bridget Phillipson: With major defence and infrastructure projects on the horizon, now is the wrong time for the Government to be cutting funding for apprenticeships. What guarantees can the Minister give that quality apprenticeships will be protected by his Department going forward?

Mark Lancaster: We stand by our record. We have delivered over 150,000 apprenticeships. Any new recruit joining the armed forces is enrolled on an apprenticeship scheme, and that will continue.

Dr Tania Mathias (Twickenham) (Con): The Minister knows that logistics is an incredibly important area for the military and armed forces. It is also vital for other parts of the economy, and essential in refugee work. Will the Minister increase apprenticeships in logistics and ensure their quality?

Mark Lancaster: The MOD offers a number of logistics apprenticeships including driving goods vehicles, roadside assistance and recovery, and international trade and logistics. However, I recognise the importance of logistics to the armed forces and efforts to address skills shortages in this area need to be balanced with other areas, but I will certainly look at what my hon. Friend says.

23. [906262] **Chris Bryant** (Rhondda) (Lab): I am sure the Minister would agree that participation in one of our cadet forces is one of the best apprenticeships available through the MOD. We have a wonderful sea cadets group in the Rhondda. Now that the MOD is vacating Pentre barracks in the Rhondda, why on earth is it putting it up for auction on the open market rather than simply giving it to the sea cadets?

Mark Lancaster: I am sure the hon. Gentleman will support this Government's programme to extend cadet forces to 500 by 2020. Equally, he will appreciate that we have very strict rules when it comes to the disposal of defence property, but I am happy to look into what he says.

Topical Questions

T1. [906204] **Patrick Grady** (Glasgow North) (SNP): If he will make a statement on his departmental responsibilities.

The Secretary of State for Defence (Michael Fallon): My immediate priorities remain success in our operations against Daesh and implementing our strategic defence and security review. Last week I hosted the first ever United Nations peacekeeping ministerial, the largest meeting of Defence Ministers in Britain since the Wales summit, where I underlined that the UK is stepping up its global commitments, backed by a rising defence budget and including additional troops to peacekeeping in South Sudan.

Patrick Grady: I am tempted just to ask the Secretary of State if he can name the French Foreign Minister and the South Korean Prime Minister, but can he confirm that, contrary to what he told the "Today" programme last week, it does in fact matter which budget conflict and security spending comes from, and if he is so strapped for cash perhaps he should be scrapping Trident rather than raiding the Department for International Development's aid budget?

Michael Fallon: The French Defence Minister is Monsieur Jean-Yves Le Drian, whom I met last Thursday—I think it was the 21st time I have met him in two years—and the South Korean Prime Minister is Madam Park, whom I met during her most recent visit. The difficulty facing the shadow Defence Secretary is that none of my Defence Ministers know who he is.

However, on the budget, this is an increasing defence budget; we are committed to meeting the 2% target and the defence budget will also rise in real terms for every year of this Parliament.

T3. [906206] **Alec Shelbrooke** (Elmet and Rothwell) (Con): What steps is my hon. Friend taking to assist current and former personnel who are concerned about the health effects of being prescribed Lariam anti-malarials when deployed overseas?

The Parliamentary Under-Secretary of State for Defence (Mark Lancaster): The Ministry of Defence takes the health and wellbeing of its personnel seriously and acknowledges its duty of care to provide the best possible support to them. I am delighted to be able to confirm today that, as part of that care, we have introduced a single point of contact providing information on mefloquine and signposting a range of services to help those who have concerns having taken Lariam. Further details are available on the gov.uk website.

Clive Lewis (Norwich South) (Lab): I am sure that Ministers are fast learners and will get to know my name soon enough. Last week the MOD was accused of a terrifying error after accidentally publishing the details of 20,000 people online. Following a number of recent high-profile security breaches including the attempted abduction of an RAF airman based at Marham, many service members will understandably be concerned about their personal safety. What reassurances can the Secretary

of State provide to those men and women in regard to the security, particularly online, of any personal information about them?

The Minister for the Armed Forces (Mike Penning): We have been doing everything we possibly can to protect people's personal details online. I went to Marham myself two days after that incident took place—the police investigation there is ongoing—to give reassurance not only to the serving personnel but to their families that we will do everything we possibly can to protect them.

Clive Lewis: British military personnel in Saudi Arabia include a number of liaison officers stationed within the military headquarters of Saudi-led operations in Yemen. According to the Government, those officers are deployed to gain insight into those operations and to advise the Saudis on how to comply with international humanitarian law. Will the Secretary of State tell the House whether any communications from those British officers—as opposed to reports from the Saudi authorities themselves—have revealed any concerns about the conduct of operations in Yemen, including the possibility that humanitarian law has been violated?

Michael Fallon: Let me make it clear that the United Kingdom is not a member of the Saudi-led coalition, and UK personnel are not involved in directing or conducting operations in Yemen or in the target selection process. We have not assessed that the Saudi-led coalition is targeting civilians or is in breach of international humanitarian law.

T6. [906209] **Philip Davies** (Shipley) (Con): During the EU referendum campaign, the Government said that voting to leave would put the security of the UK and western Europe at risk, so will the Secretary of State tell me by how much the Government are increasing the defence budget as a result of the referendum's outcome? Or was that in fact an example of scaremongering that we can add to the ever-growing pile entitled "Utter cobblers that the Government were spouting during the EU referendum campaign"?

Michael Fallon: My hon. Friend will know that the defence budget is increasing in any event, and it will go on increasing in each year of this Parliament because of our commitment to meeting the 2% target in NATO. I know that he will join me in reminding our allies that although we are exiting the European Union, we are not abandoning our commitment to European security, which is why we are leading a battalion in Estonia next year, why we have committed extra troops to Poland, why our Typhoons were policing the Baltic airspace this year and why we will be leading the very high readiness taskforce next year.

T2. [906205] **Tristram Hunt** (Stoke-on-Trent Central) (Lab): Easat Radar Systems in Stoke-on-Trent is a cutting-edge business supplying coastal-based radar surveying UK waters and exporting round the world. This is the kind of British-based defence manufacturing we need as Russia continues to test our defences and security concerns about breaches to our coastline grow. The Minister for Defence Procurement is already coming

to Stafford. I invite her to come to Stoke-on-Trent afterwards to visit Easat Radar Systems to give the business the support it deserves.

The Parliamentary Under-Secretary of State for Defence (Harriett Baldwin): The hon. Gentleman is a doughty champion of businesses in Stoke-on-Trent. I know that the Secretary of State has already offered a meeting with businesses in that constituency, and I look forward to hearing more about the particular one he mentioned in his question.

T8. [906211] **Robert Jenrick** (Newark) (Con): Will the Minister support the recent application by the Magnus Church of England Academy for a new cadet force? Does he agree that schools such as that academy, situated within a deprived area and with a persistent problem of white working-class boys, are exactly where new cadet units will make a difference?

Mark Lancaster: The Government have committed £50 million of LIBOR funding to increase the number of cadet units in schools to 500 by 2020. That manifesto commitment will establish some 150 new units in state schools across the UK and we have made it a priority to focus on cities and areas of high deprivation. I welcome my hon. Friend's championing of the cause. Any school that wants to open a cadet unit through the cadet expansion programme should submit an expression of interest through the gov.uk website.

T4. [906207] **Drew Hendry** (Inverness, Nairn, Badenoch and Strathspey) (SNP): People in my constituency are worried about the UK Government's plans for the army base at historic Fort George, which supports around 750 local jobs. Unhelpful comments from the Secretary of State for Scotland this weekend about the base's condition have not helped that speculation. Will Ministers do the right thing, back Fort George and end the unhelpful speculation now?

Mark Lancaster: The MOD continues to review its estate to ensure that it is smaller and more sustainable, allowing us to focus on delivering future defence capability and enabling considerable investment in sites such as Lossiemouth and Faslane. While no decision has been made on Fort George's future, Scotland will continue to be a vital home for our armed forces. However, Scotland, like the rest of the UK, must expect some sites to close and some investment in other locations.

T5. [906208] **Owen Thompson** (Midlothian) (SNP): Research from the Fraser of Allander Institute found that the number of defence jobs in Scotland is plummeting despite promises to the contrary in 2014. There are almost 3,000 fewer MOD employees and the number in military roles has gone down. In 2008, there were 23% more jobs in uniformed and MOD civilian roles. Can the Secretary of State tell us how Scotland is better off in the union given that reality?

Michael Fallon: I certainly can. Scotland is getting additional investment at Faslane, and Lossiemouth will be the home of the new Typhoon squadron. Faslane will continue to be the base for all the Royal Navy's submarines. Scotland is playing a key part in the construction of our new Navy with the new aircraft

carriers, the Type 26 global combat ship, and the offshore patrol vessels, all of which will contribute to more jobs in Scotland.

T10. [906213] Mr Philip Hollobone (Kettering) (Con): Kurdish fighters, in part supplied with small arms from this country, have been among the most effective ground forces against Daesh, yet they find themselves under attack from our NATO ally Turkey. How can that circle be squared?

Michael Fallon: My hon. Friend is right that the situation is complicated, in particular in north Syria. We continue to urge the opposition groups in Syria to combat Daesh—although they are of course also under pressure from the regime. As a result of the ceasefire coming into force tonight, I hope that all the moderate armed groups in Syria can now concentrate their fire against the murderous ideology that is Daesh and allow humanitarian aid into the towns and cities that have been so long denied it.

T9. [906212] Danny Kinahan (South Antrim) (UUP): Our military charities do phenomenal good in Northern Ireland, and one, Combat Stress, has just received £400,000 to help it carry out its vital work. However, its plan to move to using triage nurses to handle calls, rather than the admin staff experienced in handling mental health cases, is what really worries me—those callers need sensitive handling. Will the Minister meet representatives to discuss how we can do that better in future?

Mark Lancaster: I am grateful to the hon. Gentleman for highlighting the success of recent LIBOR funding bids from Northern Ireland. The issue he raises is of course important and I would be delighted to meet to discuss it.

Byron Davies (Gower) (Con): The Royal Air Force has a long and illustrious history in Wales and the connection has been fostered and maintained by volunteer gliding schools. The MOD's decision to denude Wales of such schools and make air cadets travel many hours to England has had nothing less than a devastating effect on young people and adult volunteers. What steps are being taken to return such schools to Wales?

Mark Lancaster: I commend my hon. Friend's tenacity in pursuing this issue. He knows that significant challenges surround the viability of aerodromes and former aerodromes in south Wales for future cadet gliding, but following his persistence and that of the hon. Member for Bridgend (Mrs Moon) I am looking to see whether other sites are financially viable. I hope to be able to update them shortly.

Christian Matheson (City of Chester) (Lab): Does the Minister welcome the establishment of veterans' breakfast clubs up and down the country as a way of providing support from veterans to veterans? Will the Minister ask his officials why these clubs have been denied the right to use the veterans' logo on their official literature, as the only person who ever turns up to the Chester veterans' breakfast club who is not a veteran is me?

Mark Lancaster: I am a great fan of veterans' clubs and I have visited several. They are a fantastic thing, which I am keen to encourage, and I am happy to look into the matter the hon. Gentleman raises.

Oliver Colville (Plymouth, Sutton and Devonport) (Con): As my hon. Friend knows, last week it was announced that the MOD was going to dispose of Stonehouse barracks in my constituency. Can he clarify the criteria to keep 3 Commando Brigade and the Royal Marines in my constituency?

Mark Lancaster: The decision to close up to 30% of the defence estate is based on military capability; it very much is a military decision, but I am happy to meet my hon. Friend to discuss it, if he would like to do so.

Diana Johnson (Kingston upon Hull North) (Lab): May I thank the veterans Minister for meeting Hull resident Dereck Johnson, who set up the Hull veterans' breakfast club, and may I ask what progress has been made in rolling out these breakfast clubs across the country, as they meet such a real need in that community?

Mark Lancaster: I thoroughly enjoyed meeting the hon. Lady's constituent and I thought it was an excellent breakfast club. I have also met the national chairman and we are in discussions about how the Department can support this excellent initiative.

Several hon. Members rose—

Mr Speaker: I call the good doctor, Dr Julian Lewis.

Dr Julian Lewis (New Forest East) (Con): Thank you, good Speaker. Will the Secretary of State confirm that the service provided by BBC Monitoring to open-source intelligence is of vital interest to the MOD? Does he agree that it would be totally unacceptable if the BBC inflicted swingeing cuts in the Monitoring service, as is proposed, including the closure of Caversham Park?

Michael Fallon: It is always good to be able to find common ground with my right hon. Friend on a defence matter. I certainly confirm the first part of his question, and I will do what I can to convey the gist of the second part to the BBC, too.

Mr Speaker: Very prudent and wise of the Secretary of State, I am sure.

Steven Paterson (Stirling) (SNP): An article in *The Times* today on the welcome news of the ceasefire in Syria states:

"The US and Russia have agreed to work together to target Islamic State and the FSF".

Will the Secretary of State provide more detail on how that would work in practice, how the UK will be involved and how we can ensure that such co-operation results in no civilian casualties?

Michael Fallon: I hope the hon. Gentleman will welcome the ceasefire, belated though it is, that we hope will come into force tonight. The situation in Syria is complex and we have continued to urge Russia to use all its influence on the Syrian regime to get humanitarian aid in and to stop the regime targeting particular opposition groups. As he knows, we do not have combat troops deployed in Syria, but the strikes we carry out on behalf of the coalition will, obviously, also now have to reflect the new reality on the ground.

Mrs Madeleine Moon (Bridgend) (Lab): The British Royal Navy is now smaller than the flotilla that we sent to take back the Falkland Islands. When will we have a date for Type 45 destroyer engine repairs and replacements, which are desperately needed, so that we can at least maintain the 19 ships of the line that we currently have?

Michael Fallon: I hope that the hon. Lady, who knows a lot about this, is not confusing number with quality or power. The ships we are now deploying—the aircraft carriers, the Type 45 destroyers and the forthcoming Type 26 frigates—are of course much more powerful than the ships that sailed to liberate the Falkland Islands. I know she will join me in welcoming the new missions of the two Type 45s, HMS Diamond and HMS Daring, which sailed in the past few weeks.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): A serious issue for recruitment policy is service family accommodation, and I am sure the Secretary of State and the Department agree with the recommendations of the Public Accounts Committee report on service family accommodation. Will he update the House on how they are dealing with CarillionAmey and its dubious failings for service personnel, and on how we make sure that this does not happen again?

Mark Lancaster: I am delighted to say that as a result of the recent “get well” plan, CarillionAmey is now meeting all but two of its key performance indicators.

However, let me assure the House that I do not take this recent improvement for granted. I am utterly determined that the poor standard that our service personnel received in recent years will not be repeated.

Toby Perkins (Chesterfield) (Lab) *rose*—

Mr Speaker: I do not want the hon. Member for Chesterfield (Toby Perkins) to be sad or to feel isolated or excluded. Let him have a go.

Toby Perkins: Thank you; very kind. A few moments ago the Under-Secretary of State for Defence, the hon. Member for West Worcestershire (Harriett Baldwin), said that we were procuring more warships and aircraft than ever before. That is far removed from reality. In setting the record straight, can she confirm whether such information is part of the induction into the Ministry of Defence team, or did she come up with it all by herself?

Harriett Baldwin: I recommend that the hon. Gentleman read the strategic defence and security review. He can see that we are increasing defence spending every year and we are investing in more ships, more planes, more troops who are ready to act, better equipment for our special forces and more for cyber, in contrast to the Labour party, which wants to scrap our nuclear deterrent, withdraw from NATO and abolish our Army. Labour cannot be trusted with our security.

Schools that work for Everyone

3.36 pm

The Secretary of State for Education (Justine Greening):

With permission, Mr Speaker, I would like to make a statement on the Government's consultation published today, 'Schools that work for everyone', copies of which I have placed in the Libraries of both Houses.

As my right hon. Friend the Prime Minister has said, this Government are putting the interests of ordinary working-class people first. We want this country to be a truly meritocratic country, where what matters most is a person's individual talent and their capacity for hard work, so we need to build a schools system that works for everyone, not just for the privileged few. The various proposals set out today in this consultation document all drive towards one simple goal: increasing the number of good school places for all children.

Over the past six years we have made great strides forward, with more than 1.4 million more children in good or outstanding schools than in 2010. The flagship academies programme has unlocked the potential in our schools. This Government are committed to helping all schools enjoy academy status freedoms and school-led system improvement through multi-academy trusts. The reforms carried out by my right hon. Friends the Members for Surrey Heath (Michael Gove) and for Loughborough (Nicky Morgan) have had a transformational effect on education in our country. Now we need to build on the "Educational Excellence Everywhere" White Paper—our dedication to good teachers in every school, world-class qualifications and reforming school funding—and put an end to the underperformance that has blighted too many children's education and that still exists in pockets throughout our country.

We need radically to expand the number of good school places available to all families, not just to those who can afford to move into the catchment areas of the best state schools, those who can afford to pay for private education, or those belonging to certain faiths. We need to give all schools with a strong track record, experience and valuable expertise the incentives to expand their offer to enable even more pupils to go there, driving up standards and giving parents greater choice and control. We have sought to do this already through, for example, university technical colleges and specialist subject schools.

The reality is that demand for school places only continues to grow, but too many children still do not have access to a good or outstanding school. In some areas as many as 50% of children do not have one locally. In fact, 1.25 million children attend schools that are not good or outstanding, in spite of all the progress that has been made. That is unacceptable.

The Government make sure that schools have the resources to help the children most in need—for example, through the pupil premium—and of course that will continue, but the Prime Minister is right when she says that disadvantage can often be hidden in this country. It is not just about those children who receive free school meals; we want to come up with a broader definition and look at ordinary working-class families just managing to get by, who are too often forgotten.

This consultation deliberately asks big, open questions about the future of education in this country. The plans set out in "Schools that work for everyone" focus on

how we can unlock four existing parts of the educational community so that they can have a bigger impact for all children.

The first part is the independent schools that give wealthier parents the option of an outstanding education for their children, often sending a high proportion to the best universities and guaranteeing access to the best career outcomes. Many of these schools already make a contribution to the state sector—some even sponsor or run state schools. While we recognise that work, we want independent schools to do more, so we want stronger, more demanding public benefit tests for independent schools to retain the benefits associated with charitable status. We want independent schools to offer more places to those less able to afford them, and to sponsor or set up schools in the state sector. For smaller schools we will, of course, look at an proportionate approach, and we are seeking views on how they can make their facilities available to state schools and share their teaching expertise.

The second part is our world-class universities. They need funding, of course, in order to maintain that status, and under this Government's approach to access agreements, we have made sure that we have seen steady investment, while at the same time making sure that university is not out of reach for disadvantaged people. We want the huge talent base in our universities to do more to widen participation and to help more children to reach their full potential. We therefore want universities to open or sponsor schools in exchange for the right to raise their fees. This will ensure that they are not just pulling in the most qualified applicants—some of whom might have had an educational head start—but playing a bigger role in increasing the numbers of students with the GCSEs and the A-level grades that open doors to degree courses in the first place.

Thirdly, when we talk about selection in this country, we have to acknowledge that we have selection by house price already—for those who are able to buy a house in the catchment areas of the best schools. *[Interruption.]*

Mr Speaker: Order.

Justine Greening: We know that selective schools are in high demand, as are specialist art, music and sports schools. Selective schools are good for pupils, particularly the most disadvantaged ones who attend them, yet for most children the chance to attend a selective school simply does not exist, so we want to look again at selective schools and how they can open up excellent places to more children, particularly the most disadvantaged. We will therefore look at how we can relax the rules on expanding selective schools and allow new ones to open and non-selective schools to become selective where there is a demand. At the same time, we have to challenge ourselves, and selective schools, to raise attainment much more broadly.

It is really important that I am clear about how we ensure that all schools improve. We do not want to see a return to the old binary system of good schools and bad schools. Every child deserves a place in a great—*[Interruption.]*

Mr Speaker: Order. The Secretary of State must be heard. Everybody, I think, on both sides of the House knows that, when ministerial statements are delivered,

I, almost without exception, allow everyone who wants to contribute the chance to do so, and, believe me, today will be no exception—I am very sensitive to the differences of opinion in the House. Everyone will have a chance to question the Secretary of State, but meanwhile she should and must be heard with courtesy.

Justine Greening: Every child deserves a place in a great school; it is not just what they deserve, it is what our country deserves. What is clear is that selection should be part of the debate about how we make sure that the right number of good places exist. Selective schools will be expected to guarantee places for children from disadvantaged backgrounds, and, far from tainting the standards of education in schools around them, we will explore ways for selective schools to share their expertise. We want them to raise standards in every part of the schools system—for example, by opening excellent feeder primary schools or by sponsoring local non-selective schools.

Finally, let me turn to faith schools. I am sure that many colleagues will have children who go to high-quality faith schools. The current rules to promote inclusion mean that when new faith free schools are oversubscribed, they have to limit the number of pupils they admit on the basis of faith to 50%. The reality is that this has not worked to combat segregation, and indeed also acts as a barrier to some faiths in opening new schools. We want to remove that barrier so that new places can be created, but at the same time consult on more effective ways to ensure that all new faith free schools are truly inclusive. We will look at new requirements on proposers of free schools to demonstrate that they are attracting applications from other faiths, and to establish twinning arrangements with schools not of their faith, and consider sponsoring underperforming non-faith schools and bringing members of other faiths, and none, into their governing bodies.

The Government want to build on the progress made over the past six years and make the schools system truly fit for purpose in the 21st century. The “Schools that work for everyone” consultation is about engaging with as many views as possible so that we can design policies that make the most of the expertise that we already have, and widen access to good and outstanding school places for all. Government Members believe in building a true meritocracy. We think that every child deserves a school place that will best serve their individual talents, and not to be limited by where they live or by how much their parents earn. There is so much potential in our country, and that talent base needs us to ask the big questions, leaving no stone unturned so that we can build a schools system that truly works for everyone. I commend this statement to the House.

3.46 pm

Angela Rayner (Ashton-under-Lyne) (Lab): If I may, I would like to start by offering some advice to the Government:

“Stop your silly class war.”

[*Interruption.*] That reaction is very interesting, because it was not my advice but that of the last Prime Minister—who is still currently, I believe, the right hon. Member Witney—when asked about Tory MPs wanting to return to grammar schools. He went on to say:

“I think it is delusional to think that a policy of expanding a number of grammar schools is either a good idea, a sellable idea or even the right idea”.

He was the future once, but the current Prime Minister wants to hark back to the past. Where once, under Labour, we had “Education, education, education”, this Government’s mantra is “Segregation, segregation, segregation”.

Perhaps the Secretary of State can start by telling us when the Prime Minister told her what her education policy was going to be. When the Secretary of State came to this House last Thursday, she told us that there was nothing to announce. She said:

“we have not yet actually made any policy announcements; they will be made in due course.”—[*Official Report*, 8 September 2016; Vol. 614, c. 470.]

She assured us that she was looking into “a range of options”. Yet, lo and behold, just 24 hours later the Prime Minister unveiled their policy in full. Apparently it did not take that long to look at those options. This is not a surprise. The Prime Minister’s plan seems to be that we need grammars, secondary moderns and technical schools. This is a line taken directly from the Conservatives’ 1955 manifesto—hardly an education policy for the 21st century. Was the Secretary of State unaware of the Prime Minister’s speech or did she forget to tell the House—or perhaps the dog ate that bit of her answer?

Today’s statement is another sorry excuse, so I have some serious questions that the Secretary of State has yet to answer. Will she confirm that the new Prime Minister has absolutely no mandate for this policy? Not only was no such pledge in their manifesto, but the former Prime Minister, as Leader of the Opposition, promised precisely not to bring in new grammar schools. He said: “It is not something we would do if elected.” We will hold the Government to account, and the country will hold the Government to that promise.

When the Prime Minister’s predecessor was asked whether he would cave in to his Back Benchers over grammar schools, he said:

“I lead. I don’t follow my party; I lead them.”

He was able to do that for more than six years, but his successor has hardly managed six weeks.

It is not just the former Prime Minister who opposes the plans; the right hon. Member for Loughborough (Nicky Morgan) has said of the creation of new grammar schools:

“I believe that an increase in pupil segregation on the basis of academic selection would be...a distraction”

from the serious efforts to narrow the attainment gap.

The Conservative Chair of the Education Committee said last night:

“We have serious issues about social mobility...and I don’t think that having more grammar schools is going to help them.”

He went on to say:

“I think that the creaming off of the best is actually detrimental to the interests of the most.”

Will the Secretary of State now apologise for dismissing all opponents of her plans by placing dogma over pupils and opportunity? All the major research shows that where there are grammar schools today, access to them is limited to the most well-off. It also shows that educational attainment in grammar areas for those who fail to get into grammar schools is below the national

[Angela Rayner]

average. Given the overwhelming academic evidence that grammars fail to improve the standards of the majority of children, what research is the Secretary of State basing her decision on, and will she lay it before this House?

Will the Secretary of State explain just how this policy is going to work? She seems to be saying not only that every new school can be a grammar, but that every existing school can convert to a grammar as well. I may be a comprehensive girl, but even I can see the flaw in thinking that it is possible to let every school in the country select through an exam. Will the Secretary of State tell us just how she will decide which schools will be allowed to segregate pupils and which will not?

We are told that the new grammars may be free schools, but free schools are not free to the taxpayer. How much of the schools budget will be put aside for these new grammar schools? Has the Secretary of State received any extra funding from the Treasury, or will it have to be taken from existing schools, which are already facing the first real-terms cut in decades?

Page 25 of the Government's consultation document says that for schools to become grammars, one requirement that they may have to meet is to establish a new, non-selective secondary school, with capital and revenue costs paid by the Government. Perhaps the Secretary of State can reassure the House that that will be paid for by new funding arrangements that she has reached with the Treasury, rather than being squeezed out of school budgets that are facing a real-terms cut.

Mr Speaker: Order. I think the shadow Secretary of State is bringing her remarks to a close. I have been generous, but she is a little over her time and I think she has either finished or is approaching her last sentence—a pithy one.

Angela Rayner: Thank you, Mr Speaker. The Prime Minister promised on the steps of No. 10 to govern for the many and not the privileged few, and to be led by the evidence when making decisions, yet now we have a policy that is aimed at not just serving the privileged few, but entrenching that advantage over the rest of society. This is a disgraceful attack on opportunity and inclusion, and we will oppose it. I appeal to every single Member in this House to oppose it, too.

Justine Greening: I reiterate that this is the beginning of a consultation that sets out a debate that we need to have in our education system if we are going to make sure that we deliver on our manifesto commitment, which is to have an excellent school place available for every single child in our country. We set out very clearly that that would include more places at grammar schools.

The hon. Lady had nothing to say about how we can make independent schools play a stronger role in raising standards or how universities can play a stronger role in raising attainment. In spite of all the challenges and issues that she raises from a Labour perspective, it is worth pointing out that the leader of the Labour party, as I understand it, wants to scrap existing grammars. Is that correct? I cannot see a flicker of recognition of that policy from the Leader of the Opposition; perhaps he has been distracted over recent weeks.

In spite of all the challenges and issues that the Labour party raises over grammars, and in spite of the fact that the party was in power for 13 years, it took no steps when in government to ensure that grammars played a stronger role in raising attainment in their broader communities. What did we actually see under Labour in government? It was not education, education, education; it was grade inflation; children leaving school without even the most basic skills of reading, writing and adding up; a university system that had a cap on student numbers and aspiration; and youth unemployment that went up by the best part of 50%. We need no lectures from the Labour party on how to deliver opportunity for our young people.

If we are going to ensure that ours is a country where everybody can do their best, wherever they start, we have to be prepared at least to have a debate about how we will make that happen. It seems to me that the only distraction in this Chamber for the Labour party is, yet again, its own leadership contest. In the meantime, the ideas and the initiative to drive opportunity across Britain will come from Conservative Members.

Mr Kenneth Clarke (Rushcliffe) (Con): I warmly welcome the motives behind my right hon. Friend's statement, which appeared to be to try to restore some of the best of the 1944 Butler Act—with its amazing opportunities for bright working-class children—while avoiding some of its serious downsides, such as the great damage that it did and the poor alternatives that it offered to the majority of pupils who did not pass the exam. Does she accept that the devil lies in the detail? Does she accept that, as she develops the policy that she is setting out for consultation today, it will be tested by how far she can, in specific ways, ensure that this change does not damage the opportunities for pupils in other schools and does not distract priority from raising the standards of all schools for all pupils, which has been the objective of this Government?

May I also ask my right hon. Friend to reconsider pretty fundamentally the announcement she has made about faith schools? We need to live in a society where we reduce barriers and improve contacts and integration between people of all faiths. If the system has been imperfect, we need to know why it has not worked. It may be right to modify it, but will not simply removing the cap altogether lead us into considerable danger?

Justine Greening: My right hon. and learned Friend went back some time to talk about the 1944 Butler Act. I do not personally recall it, having not been born at the time. The point is that the education system in our country is in a radically different position from when we effectively had a binary system, which that Act did not intend, of secondary moderns and grammars. Our education system has been transformed out of all recognition. This proposal is about improving choice for parents, wherever they are in the country; it is about building capacity in our school system; and it is about continuing with the reforms that have already seen 1.4 million more children get into good or outstanding schools. Those reforms are absolutely critical, alongside this work, to making sure that we improve opportunity.

On faith schools, let me explain the situation more succinctly. The existing 50% rule was put in place with the best of intentions, and it kicks in when new faith

schools are oversubscribed. The issue is that that very rarely happens, so in spite of the fact that it was designed with the best of motives, the rule does not operate effectively. Some new faith schools are overwhelmingly comprised of children with one faith, because the school did not have to go and seek more children of other faiths and no faith. The consultation document therefore sets out a number of different proposals. For example, proposed new faith schools would have to demonstrate more clearly that there was a broader community desire for places at that new school, not just from parents of that faith but from parents of no faith and other faiths.

Patricia Gibson (North Ayrshire and Arran) (SNP): The Secretary of State has expressed concern that the opponents of this policy have nothing to say. I can reassure her that I have plenty to say, but, unfortunately, I have only two minutes in which to say it.

For any Government to be truly progressive, their education system must do all it can to tackle inequality. Only in this way can our young people reach their true potential. Only in this way can we close the attainment gap, which the First Minister has made the mission of her SNP Government in Scotland. There can be no doubt that grammar schools encourage educational inequality. That is why there will be no grammar schools in Scotland. Instead, the SNP Government are doing everything possible to ensure that all children have access to the same opportunities, no matter their background. If the mistake of reintroducing grammar schools in England has any financial impact on Scotland, we in the SNP will fight tooth and nail in our opposition to this policy.

Instead of this backward step, the Government should be working to close the attainment gap. The SNP Government in Scotland are committing an additional—targeted—£750 million to close this gap, with a new, fair and transparent funding formula for schools that will ensure additional resources go where they are needed. Does the Secretary of State not think that she could learn something from this strategy? Will she explain how this Government can trumpet their credentials of so-called social mobility when there is clear evidence that such selective admissions policies in schools are not to the benefit of all children? This Government say they believe in a meritocratic society, so can she explain how grammar schools promote that when they fly in the face of such an ideal, creating social divisions between children at a very young age?

Justine Greening: The hon. Lady sets out the SNP's approach to education, but it does not bear comparison with the dramatic improvements in our English education system during the past six years, which we absolutely aim to continue to drive forward. We have seen a stronger focus on school leadership and teaching standards. We have seen a more rigorous curriculum that truly enables our children to have the knowledge and skills they need to be successful. Critically, we have seen schools working far more closely together in order, collectively, to raise attainment standards across the board. I am saying today that I want some parts of our education system that have played less of a role in doing so than I think they can to step up to the plate and to do much more.

The hon. Lady asked about attainment. The reality is that disadvantaged children who get into grammar school come on in leaps and bounds. In fact, the attainment gap between them and better advantaged cohorts has dramatically closed by the time they leave school. Fundamentally, the difference between us and the opposition parties is that we believe that that is a good thing, and that we should therefore look at how to make such an opportunity available to more children. The opposition parties believe we should have a levelling down. That is the difference, and that is why we do not accept their approach.

Michael Gove (Surrey Heath) (Con): May I congratulate the Secretary of State on the clear moral purpose that runs through every word of her statement? Her commitment to ensuring that every child in this country receives a high-quality education and that we narrow the attainment gap between rich and poor is the driving mission she has brought to the role of Education Secretary, and I for one am delighted to see her at the Dispatch Box.

In particular, the Secretary of State is absolutely right to say that two of the highest performing education sectors in this country—independent schools and universities—still have not done enough to help disadvantaged children to do more. Do not the examples of the Harris Westminster free school, supported by a great independent school, and King's maths school, supported by a great university, show that institutions that select at the age of 16 can ensure that children from disadvantaged backgrounds can do more? Will she reassure the House that, in the face of the opposition to all reform and all debate by the dogmatists on the Opposition side of the House, she will be driven entirely by data and what works, and that she will press ahead with the cause of reform?

Justine Greening: I can assure my right hon. Friend of that, and I thank him for his comments. He was a Secretary of State who was willing to press on with difficult decisions to get the best outcome for Britain's children, and he was absolutely right to do so. Failure comes from failing to address the difficult questions that we need to ask ourselves to improve England's education system. We are prepared to address those questions, and we are putting our proposals out in a consultation document, which is effectively a Green Paper.

As my right hon. Friend says, innovation is happening across the system. We can look at the maths school that King's College London has set up, or at the Harris Westminster college, or further afield at the work of the University of Brighton and the University of Exeter, which are truly showing how they can work with their local school system and more broadly to raise attainment. We should learn from them and expand the impact of universities, not contract it.

Lucy Powell (Manchester Central) (Lab/Co-op): Let us have the debate, but let us have it based on evidence. What evidence does the Secretary of State have that the reintroduction of selection would work? All the evidence that I can find shows that it would not. Areas that have selection have a wider attainment gap than those that do not, disadvantaged children do not get into grammar schools and poorer kids do worse. In contrast, the

[Lucy Powell]

highest-performing areas, where the gap has closed dramatically, particularly under the Labour Government, are comprehensive areas. Perhaps the Secretary of State would do better focusing her efforts on how we can spread the good practice of places such as London rather than on importing the much poorer practice of somewhere such as Kent.

Justine Greening: It would be helpful if the Labour Front Benchers, and maybe individual Labour MPs, set out exactly where they stand on removing existing grammars. That is not clear to me, but as I understand it, that is the Labour party's proposal. From the hon. Lady's comments, perhaps we can assume that she wants to end all existing selection. If she is not prepared to make that argument, it is hard for her to argue against the status quo while simultaneously saying that we are wrong to consider reforming it. I think that is her position.

The reality is that many grammar schools, such as Bournemouth school, are doing important work to prioritise getting children on the pupil premium into grammar schools. We know from evidence from the Sutton Trust that when children on free school meals get into grammars, they do disproportionately well. The same evidence also showed that there was no discernible lessening of attainment among children outside the grammar system.

Of course, we are not in a binary system now. Our schools have overwhelmingly improved over the past six years, and many more schools of all kinds are now good or outstanding. The sense that children not in a grammar are somehow consigned to an education system that is failing them is simply wrong, but in some schools in some parts of the country, children do not have access to a good school place. We should not accept that. Our proposals today and the debate that we are starting are aimed at looking at how we can tackle it, and they sit alongside a much broader series of policy reforms. We will push on and change those circumstances, unlike the Labour party, which does not even seem to want to have a debate in the first place.

Nicky Morgan (Loughborough) (Con): I welcome what my right hon. Friend has said today about having greater collaboration between universities, independent schools and schools in the state system. I also agree with her about faith schools, which need to be looked at.

Over the past six years, the Conservative party has consistently challenged the soft bigotry of low expectations—the idea that an academic education is not available to all. My right hon. Friend is right that we have great schools and great teachers, but we do not have them everywhere. Will she explain, now or in the course of the consultation, how the Green Paper proposals on selective education will benefit pupils in areas where expectations are still too low and results are too poor? When will she announce the first of the “achieving excellence” areas?

Justine Greening: My right hon. Friend is right to point out that too often, in the past, Governments have not had high enough expectations for children growing

up in more disadvantaged parts of our country. That is totally unacceptable. Talented children are growing up all over our country and we should make sure that they have an education system that can enable them to make the most of their talents. She is also right that if we want new grammars to open we have to work with local communities. I would very much like some of the most disadvantaged communities to have the chance now to have a grammar. At the moment there is simply not that opportunity for them, even if local parents want it. We know that 20% of children at grammar schools come from outside the immediate catchment area, which clearly suggests that parents in those broader areas also want the choice of a grammar for their children.

Finally, my right hon. Friend set out points in the White Paper that I thought were quite right. The achieving excellence areas are about looking systematically at places where children are systematically let down and do not have access to good school places, to see what it will take—not just inside schools but outside—to change that over time. I assure her absolutely that all that work will continue, and pay tribute to her for that White Paper, which put in place the building bricks for what I hope will be a successful approach.

Stephen Twigg (Liverpool, West Derby) (Lab/Co-op): It is simply not true to say that the Opposition are in favour of levelling down. Having schools that work for everyone and for all families is exactly what we are in favour of. I want to press the Secretary of State on the question of evidence. Where is the evidence that any of the improvement we have seen in the past 15 to 20 years has come as a result of selection? In particular, can she name a school system elsewhere in the world that succeeds on the basis of selection at 11?

Justine Greening: Our proposals are clear on the fact that we do not want a test at 11 to be the principal way that children get into grammars. We want much more flexibility in the grammar system. This is about having a 21st-century education system and a 21st-century approach on grammars. It is wrong to say that we should just freeze grammars in time, and never come back to look at how they can work more effectively. The test is surely the fact that 99% of grammars are judged good or outstanding by Ofsted. Those schools have outstanding leadership and teachers, and a strong, stretching and rigorous curriculum. They deliver for children of lower prior attainment and disadvantaged children, but also stretch those of better attainment. That is why they are rated good or outstanding by Ofsted. It would be wrong not to look at how we can pull those features into the broader school system. Many of our reforms have been doing that. Where it is the choice and there is the demand we should be enabling more grammars to open.

Neil Carmichael (Stroud) (Con): Back in 1944, three types of school were proposed—grammars, secondary moderns and technical schools—but by 1959 only 2% of any year group could expect to get to a technical school. The problem is sometimes in delivery and the mechanism for implementation. What plans does the Secretary of State have to make sure that the changes in the Green Paper will be implemented in such a way that we reach every community and every child, and can be sure that we are giving every child the best possible opportunity,

either in a grammar school or some other, different type of school? The mechanism—brokering it and checking that it is working—will count for a lot with this policy.

Justine Greening: I very much pay tribute to all my hon. Friend's work as Chair of the Education Committee. This is about building capacity; fundamentally, it is about having more good school places for children around Britain. The test of its success will be a continued improvement in attainment—very much following on from what my right hon. Friend the Member for Surrey Heath (Michael Gove) has said—focusing in particular on those children who do not get as far as they should and have not been able to enjoy and benefit from the broader reforms that so many more children are now benefiting from.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Let me tell the Secretary of State that this country has made steady progress on education over the years, under all parties. There has been real improvement in our education system; is she aware that sending a message that that is a history of failure is not very encouraging to teachers and the people who deliver education? I beg her not to start what we have already seen in the Chamber, namely a bitter turf war about comprehensives against grammars. If she likes grammar schools, she should provide the evidence. Provide what is best for our students and our kids in this country, but do not start an ideological turf war that will be very damaging to our country.

Justine Greening: I agree with the hon. Gentleman. We need to open up a measured debate that is based on evidence on what it will take to improve our school system, and particularly on what it will take to enable those who do not have access to a good school place to have one. We believe that selection can play a role, and that we should look at how that can be done more effectively.

The hon. Gentleman was at the urgent question on Thursday. I recognise how emotive the issue is on both sides of the House—it is emotive because it matters for all of our children. The wrong thing to do would be simply to see the concerns that Labour Members express and put them in a box, unprepared to look at how we can make grammars work more effectively for disadvantaged children. We should recognise that every child is different. Those who are academic need schools that can help them stretch themselves.

Mrs Theresa Villiers (Chipping Barnet) (Con): My anxiety with some of the proposals is this: the Secretary of State rightly focuses on areas of economic and educational disadvantage, but without any kind of local catchment area how can we guarantee that new selective schools will benefit the communities in which they are situated?

Justine Greening: We are setting out a number of conditions that new grammars would have to meet for them to be able to open in the first place. Part of that would be working with local communities and demonstrating local demand. It could also involve setting up a non-selective school or sponsoring one that is already there, or setting up or sponsoring a primary school in a more low-income area that feeds the grammar school, so that it absolutely reaches into some of those

communities that we want to benefit most from the good or outstanding grammars that are established. I encourage my right hon. Friend to look at the consultation document, which opens a lot of questions about how we can do that effectively. I will no doubt be interested in her response.

John Pugh (Southport) (LD): I have listened to the Secretary of State carefully and am quite sorry for her in a way, because I am sure this policy is not directly hers. Could she tell us confidentially whether she was as surprised as hon. Members when we found out the chaotic nature of future Government policy, and when she was informed of it by Government Spads in Downing Street?

Justine Greening: On behalf of children in Britain, that was a totally pointless question. In fact, I will not bother answering it.

Anna Soubry (Broxtowe) (Con): I do not want any child to have to go to the sort of school I went to in the last five years of my secondary education. Hartland comprehensive was many times more like a borstal than a school. Unfortunately, there are still too many comprehensives like that in our country but—it is a big “but”—schools in my constituency have done so well, notably George Spencer, which has become an outstanding academy because of the academy programme. There is no desire in my constituency for us to have selection. Will the Secretary of State therefore assure me and my constituents that the academy programme, which is delivering, will still be supported by the Government?

Justine Greening: Yes, of course I will. The proposal is about providing more choice but, as my right hon. Friend sets out, in many parts of the country we have seen academies transform prospects. Her local community might be happy with those existing schools and want to continue to see them get better.

Catherine McKinnell (Newcastle upon Tyne North) (Lab): When discussing education with parents and teachers, the issues that come up time and again are the need for more primary places, teacher workload and recruitment, and the north-south funding gap. Not one person has ever raised new grammars with me. Where is the evidence that the continued obsession with structures will resolve the real issues facing our education system?

Justine Greening: The hon. Lady is right to highlight the need for more primary places and we have put billions of pounds into ensuring them. Part of the challenge is that that demographic bulge is gradually passing into our secondary school system, and we need to ensure that it has the number of places our children we need. We need to ensure that they are good places, which is why we want to open up the debate on selection and ending the ban on grammars. As she says, this is not to say that we do not need carefully to push on with the rest of the agenda in education. She mentioned teacher recruitment and ensuring that education funding is fair around the country. I will continue to focus on all those things.

Oliver Dowden (Hertsmere) (Con): I welcome my right hon. Friend's commitment to greater freedom for faith schools, including Yavneh in my constituency,

[*Oliver Dowden*]

which is the best performing comprehensive in the entire country. It forms part of a diverse mix in Hertsmere that includes part-selective schools. Does she agree that it is that diversity that is driving up standards, and is she committed to maintaining that diversity?

Justine Greening: My hon. Friend sets out the case very well. Parents have more and better choices in his local community. That is important and part of how we see standards rising. We are committed to that continuing.

Kevin Brennan (Cardiff West) (Lab): I, too, listened very carefully to the words of the Secretary of State and she did say that we do not want to see a test at 11 for access to grammars. Is it her intention to abolish the 11-plus for existing grammar schools? If not, why not?

Justine Greening: The point I was making to the hon. Gentleman was that many people feel there is a cliff edge in terms of entry into grammars, as it stands, at age 11. We are consulting on children having the chance to go to a local grammar, perhaps at an older age. Indeed, if they are particularly capable at one or two subjects, they could perhaps go to a grammar to study them. I am sure he will read the consultation document with interest.

Lucy Frazer (South East Cambridgeshire) (Con): Does the Secretary of State agree that by lifting the statutory bar we are not returning to the two-tier system of the 1950s? Our education system has moved on. We have the choice of university technical colleges, free schools and academies, as well as apprenticeships. When striving for educational excellence, we must continue to look at all the best forms of education for our children.

Justine Greening: My hon. Friend is quite right. We have moved from a system where there was a one-size-fits-all approach to schools for children. We now have a system where there is so much more diversity and choice. We think it is wrong to have one kind of school within the system that is unable to respond to parent demand—that is the need for more grammars. We want to open up the debate and look at what we can do to enable parents around the country to have more of a choice.

Jim Shannon (Strangford) (DUP): When it comes to schools that work for everyone, the Secretary of State says she wants views from everywhere. She will be aware that the exam results from schools in Northern Ireland for GCSE were some of the best in the United Kingdom. Has she had the opportunity to strategise those results for the benefit of the UK mainland?

Justine Greening: I know the system of grammars in Northern Ireland is one that people would point to and say that, on average, attainment has increased. During the urgent question last week, I was invited to Northern Ireland to look for myself. I am sure I will be able to visit Northern Ireland shortly.

Mr Keith Simpson (Broadland) (Con): I welcome the Secretary of State's Green Paper on the wider aspects of education. I have to say that I have severe reservations about introducing more grammar schools. I was at a

grammar school 50 years ago. I have often wondered where I would be if I had failed the 11-plus. I certainly would not be here today. I know the education system has moved on, but I have to say it is a question not of introducing more grammar schools—if people want grammar schools, that is fine—but what is happening in the main part of the system. The main question we have to deal with is not just about access to schools; it is about the poverty of many parents and dysfunctional families. I am sure my right hon. Friend will be looking at that. Could she perhaps give me some reassurance that that is going to be done?

Justine Greening: Very much so. As I just replied to my right hon. Friend the Member for Loughborough (Nicky Morgan), looking at specific areas where there is a persistent and long-term lack of educational attainment and a gap in good school places absolutely has to sit alongside this consultation document. The rest of the Government reforms are now well under way and have delivered so much for children in Britain. They absolutely need to continue.

Mr Nicholas Brown (Newcastle upon Tyne East) (Lab): The Secretary of State's statement is deeply divisive. Will she tell us the difference between the selection criteria for a grammar school and for a free school? What evidence base is available to her for not prioritising the needs of the young people who are not going to be selected?

Justine Greening: I would encourage the right hon. Gentleman to look at the Green Paper consultation document that we have published today. It not only talks about how we think grammars and selection can play a stronger role, particularly for improving the prospects for disadvantaged children who are academically able, but sets out our expectation that grammars can do a lot more to raise attainment more broadly in their local communities. As I said to the hon. Member for Ashton-under-Lyne (Angela Rayner), the challenge is that we have not engaged much in the reform of grammars before. Now is the time to ask them to do more, but in return we should also be prepared to enable them to open up in other parts of the country.

Chloe Smith (Norwich North) (Con): I have no ideological hang-up about letting the brightest children do well, but it is crucial to let the poorest come through to do so. I welcome this as the beginning of a debate and as one method by which we can increase the diversity of the school system. I particularly welcome my right hon. Friend's mention of the role that universities can play. We can see the results of poor social mobility in my Norwich constituency, but universities, as well as existing teachers, are addressing the problem hard and should be encouraged in doing so.

Justine Greening: I think Norwich provides an excellent example of a place where we could see attainments raised by the University of East Anglia doing more in local communities. I would like to pay tribute to the work my hon. Friend is doing locally with her young people to help to ensure that that happens. We are at the beginning of understanding how universities can work effectively further back in the education system. The more we can work out how to do that successfully, the

more we will see how it can dramatically improve children's prospects so that they can reach the levels of educational attainment that make going to university become an option.

Tristram Hunt (Stoke-on-Trent Central) (Lab): If the Government were serious about social mobility, they would focus on the early years and on technical and vocational provision. The one thing I welcome is the Secretary of State's acceptance of the Labour party's 2015 manifesto commitment on independent schools. Of course they should be doing more to earn their charitable status. I think we are entering into a consensus view on that. Rather than going down the blind alley of the Charitable Commission, I urge the Secretary of State to amend the Local Government Act 1988 so that the business rate relief of private schools is dependent on a hard partnership, as determined by the independent schools inspectorate. It remains a scandal that our sixth-form colleges are paying VAT and private schools have business rate relief. That has to end.

Justine Greening: As I understood the hon. Gentleman's policy, it was simply to scrap charitable status, but what we want to do is to make sure that our independent schools actually earn that charitable status and truly deliver more public benefit than some are currently doing. It is fair to say, however, that the overwhelming number of independent schools already do much in their local communities.

William Wragg (Hazel Grove) (Con): As a comprehensive schoolboy, may I commend my right hon. Friend for her bold new departure? Will she ensure, however, that at all times the language used by the Government focuses on people's aptitudes rather than solely on their academic ability? I believe that, in that way, there are no losers; instead, all talents are championed and pupils are fulfilled.

Justine Greening: As a comprehensive schoolgirl, I think that is an excellent point. I can assure my hon. Friend that this is about making sure that we have diversity and choice in our schools system so that, whatever kinds of talents children have, they can find a school that will truly enable them to be developed successfully.

Liz Kendall (Leicester West) (Lab): The attainment gap between poor and rich children is unacceptable. It holds them and our country back. The Secretary of State is simply wrong to say that expanding grammar schools will help the most disadvantaged children. They are less likely to get into grammar schools and more likely to fall further behind better-off children than in areas without selective schools. Will the Secretary of State focus instead on what evidence shows makes the biggest difference to disadvantaged children—high-quality early years services, getting the best heads and teachers in the schools that need the most and relentlessly driving up standards in academic and vocational qualifications?

Justine Greening: We are doing all those things, and, in fact, our proposals are intended to ensure that grammars do take more disadvantaged children. Labour had 13 years to think about this, and failed to do so.

Conor Burns (Bournemouth West) (Con): The Secretary of State will be aware that the community that I represent in Bournemouth and Poole already has access to high-quality local grammar schools, but may I make her aware of a change in admission policy that will begin in 2018 at Bournemouth School, which is headed by Dr Dorian Lewis? We are going to introduce a geographic limit prioritising Bournemouth pupils, and we are going to prioritise looked-after and formerly looked-after children and those receiving free school meals. Critically, we are going to combine those measures with an ambitious programme of outreach to primary schools to raise the aspiration of pupils and their parents to send their children to grammar schools.

Does the Secretary of State agree that those ambitious measures are entirely in line with the Prime Minister's excellent new policy, and will she undertake either to come to Bournemouth School and see for herself what it is doing or to meet Dr Dorian Lewis if we bring him here to London?

Justine Greening: I should be happy to meet my hon. Friend's local head teacher. What he has described is exactly what we want to see replicated across grammar schools in our country, and is relevant to the conditions that we will set for existing grammars to expand and new grammars to open. We want to ensure that they are engines for social mobility.

Caroline Flint (Don Valley) (Lab): I hope that we will have a debate about this, because it is important. None of us should be satisfied about the fact that too many of our children are not getting the best out of—what is it these days? Before long, it will be nearly 18 years of compulsory education.

When I last spoke in the Chamber, in a debate led by my former colleague Jo Cox, we talked about the lack of educational attainment in Yorkshire and Humberside. Three facts emerged from that debate: first, that so many of our children were 18 months behind their peers at the age of three; secondly, that in Doncaster and other areas outside our cities, we could not attract the best teachers for love nor money; and, thirdly, that the choice to be made by 14-year-olds was not good enough for those who wanted to follow a more vocational route. May I ask the Secretary of State please not to abandon issues that I feel are of greater importance to achieving the outcomes that she wants than a debate on grammar schools that could be divisive?

Justine Greening: I assure the right hon. Lady that I will never abandon the agenda of seeing what we can do to lift areas that are struggling in terms of educational attainment. I grew up in Rotherham, I went through the state school system there, and I am personally committed to ensuring that that area does better in the future than it has in the past. Having a role in which I can help to build the education system that enabled me to be successful presents an opportunity that I will make the most of.

David T. C. Davies (Monmouth) (Con): If the Secretary of State is indeed going to search for evidence, will she try to find out why the OECD has consistently said that educational outcomes in England are far better than they are in Wales, where we have had 17 years of Labour government?

Justine Greening: It is almost certainly because the Labour Government in Wales have failed to learn from the reforms that we have made here in the United Kingdom. It is interesting to note that many parents want to take advantage of the features of grammar schools that often make them successful, such as excellent teachers and outstanding leadership, a stretching, rigorous academic curriculum, excellent extra-curricular activities, and discipline. Those are the things that parents want throughout the school system, and our reforms have largely embedded them throughout the system, which is why standards are rising.

Fiona Mactaggart (Slough) (Lab): I am proud to represent a town that is ram-packed with what the Secretary of State calls “ordinary working-class people”. *[Interruption.]* I am using the Secretary of State’s words. It is also a town that has grammar schools. People there are frustrated by the fact that their kids cannot get into local grammar schools because other people with much more resources are able to drive miles from west London and get their children into grammar schools on the basis of the 11-plus.

I am beginning to be unsure about what the Secretary of State means by a grammar school. When I talk to the heads of grammar schools, they say that they cannot devise an admission test that is tutor-proof. The point is that my constituents who cannot afford tutors are not getting places in the grammar schools, and therefore grammar schools do not serve, as her statement implies, those, in her words, “ordinary working-class people.” Unfortunately, they serve those people who can afford to tutor their kids.

Justine Greening: In that case, all the more reason for us to bring forward the reforms announced today. It is nonsensical to make an argument in the way the right hon. Lady has just done and then say we should do nothing about it.

Sir Desmond Swayne (New Forest West) (Con): The whole focus of the debate so far has been on the question of admissions, but what makes for a good school is not how the pupils have been admitted, but the quality of the leadership. How will the Secretary of State focus the debate and her proposals on how we secure more outstanding headteachers?

Justine Greening: As we have seen in many parts of the country, including London, what actually made the difference was schools working together, having outstanding headteachers going into what were underperforming schools, turning them around and then working with other schools in neighbouring areas to ensure that best practice was disseminated. Grammars need to play their role in doing that, hence these proposals.

Stephen Timms (East Ham) (Lab): The Secretary of State mentioned the Sutton Trust and it points out that 18% of pupils are on free school meals but only 3% of grammar school pupils are, so the fact that that tiny group does well does not support her policy, as she has claimed. Opening new grammar schools inevitably means creating new secondary modern schools, however it is dressed up. How can that possibly be a good idea?

Justine Greening: Again, the right hon. Gentleman was part of the Government that had 13 years to tackle the issue he has just set out and did nothing. The reality is we should be enabling parents to have more choice, including having selection and grammars if they want them, but we should also be challenging grammars to do more on reaching out to disadvantaged children. As we have heard, in Bournemouth and other parts of the country that is already happening. We should be seeing more of that, not simply trying to avoid the debate all together.

Kwasi Kwarteng (Spelthorne) (Con): I am very grateful for my right hon. Friend’s statement, which is an encouraging step in the right direction. Does she share my anxiety and frustration at the fact that so many of the objectors to this scheme are themselves the products of selective education? The French have a saying: “Le patron mange ici”, or the patron of the establishment—usually a restaurant—eats here, and is it not disappointing to see so many people who are the products of selective education say, “It’s alright for us, but it’s not alright for them”?

Justine Greening: I tend to agree with my hon. Friend, and I would add that on the one hand there is a vehement dislike of the status quo while on the other hand apparently an objection to bringing forward any reforms to change it.

Mr Pat McFadden (Wolverhampton South East) (Lab): Let us deal with this nonsense that if we are not in favour of the Secretary of State’s reform, we are not in favour of any change. Where there is failure, underachievement or lack of ambition in the system, there should be change. The system should not be a reform-free zone. But if the Prime Minister believes that the expansion of grammar schools is better for social mobility, how does she explain that in grammar-school Kent just 27% of kids on free school meals get five good GCSEs, whereas the national average is 33% and in London, where there has been substantial turnaround based on all-ability schools, that figure is 45%?

Justine Greening: As the right hon. Gentleman sets out, the sense that somehow grammars are the only schools delivering good and outstanding education for our children is wrong. That is why we should not be shy of the fact that we ought to open up the system to allow grammars to play a stronger role; we can do that precisely because it is not a binary system any more with all the other schools in that system performing weakly. As he says, however, we need to recognise that it is not just opening up new grammars that is going to enable more children to get more good school places; that is part of the answer, but the other part of the answer is to enable schools to learn from one another and to collaborate more, and of course, as I have set out, to see other actors in the educational establishment, like universities and independent schools, playing a bigger role in the future.

Sir Edward Leigh (Gainsborough) (Con): Are not choice and diversity the key? We have been sitting here discussing this matter for over an hour, yet no one on either side of the House has suggested that a single existing grammar school should be abolished. Is it not

perverse to prevent successful grammar schools, such as Caistor Grammar School or Queen Elizabeth's High School in my constituency, from expanding to take in more disadvantaged kids? We should allow them to take in such kids from disadvantaged areas in Lincoln, Grimsby or Scunthorpe. In regard to the cap on faith schools, why did we have it in the first place? It was perverse and bizarre, and it failed in its objective. Why should Catholic parents be prevented from sending their children to the faith school of their choice?

Justine Greening: This is about opening up choice for parents, including those who want grammar school places but do not have them, and about enabling more faith schools to open. About a third of the schools in our system are faith schools and many of them have played an outstanding role in educating our children. We should enable them to do more.

Barbara Keeley (Worsley and Eccles South) (Lab): I was the council cabinet member for education and children's services in Trafford, which retained selection at 11. Much as we tried to level up and to improve all our schools, I can tell the Secretary of State that the selective system there was expensive in budget terms, it could be divisive and it caused underperformance in a number of schools. In my experience, selection at 11 did not aid social mobility. Where is the evidence that it does?

Justine Greening: The evidence is in the fact that 99% of those schools are good or outstanding. They are a model that delivers great education. The evidence also comes from the Sutton Trust, which has tracked how children on free school meals do disproportionately well when they get into grammars. As for the hon. Lady's challenge on the broader system, I think that grammars should rise to it in terms of raising attainment. As I pointed out earlier, however, the Sutton Trust's research has also shown that there is no discernible reduction in attainment among children who are outside the grammar school system.

Alec Shelbrooke (Elmet and Rothwell) (Con): I really welcome the fact that we are opening up this debate and having a consultation on this subject and a Green Paper. However, I have to say to my right hon. Friend that I am quite worried about what I have heard so far, because I have not had the answers I have been looking for. One of the big answers is to the question: how do we avoid creating a stigma for those who stay in the comprehensive system and do not go to the selective entry schools? Unless we have enough spaces, people of equal ability will be unable to get into those schools. I welcome my right hon. Friend's comments about academy trusts involving several schools, but I believe that investing to make the streamlining within existing schools better is a good way forward. Whatever the intentions might be, if there are schools that are known for their academic ability and others that are not, a stigma will be created. What I really want to see is an excellent education system in which people from any background can achieve their potential. I went to a comprehensive school. My sister went to a comprehensive school, and she is now a fellow of the Royal College of Surgeons. This can be done within the comprehensive system. We must not create stigma—that is what I am really worried about—but I welcome the fact that we are having this consultation.

Mr Speaker: I think that the full Shelbrooke world-view should be deposited in the Library of the House, preferably by the end of the week.

Justine Greening: I am grateful to my hon. Friend for his views. As he suggests, there are good and outstanding schools all over our country. This is not a binary choice between getting into a grammar and not having access to a good school. We are simply saying that academic children should have the ability to go to a school that will really stretch them, if that is what they want to do.

Jenny Chapman (Darlington) (Lab): What the Secretary of State has just said goes to the nub of the problem. An 11-year-old source close to me started comprehensive school last week. He does not yet know whether he wants to be a chef, an astronaut, a plasterer or a lawyer. He does not know what he wants to do. Why is the Secretary of State closing off opportunities to young people at such a young age?

Justine Greening: We are doing precisely the opposite. For example, the introduction of the EBacc and much of the reform of GCSEs will be about ensuring that children come out of our school system—whatever school they have gone into—having a rigorous, balanced set of GCSE results that are academic in nature, and that all options remain open to them.

Michelle Donelan (Chippenham) (Con): I applaud the determination of the Secretary of State and the Government to drive up standards for all, but will she confirm exactly how the proposal will prevent those who do not make the grade from being stigmatised and disincentivised? It could be particularly problematic given that all the evidence suggests that age 11 is too early to test aptitude and intellect, especially for boys.

Justine Greening: I encourage my hon. Friend to look at the consultation document that is coming out today. It sets out clearly how we want children to have more flexibility in being able to access grammars while placing conditions on the setting up of new grammars, including the need for them to work across the whole school system to raise attainment more broadly. I also say to her that we already have selection by house price and that a variety of schools already specialise, whether in music, art or sport—there will be children who do not get into those schools. The proposal is about having diversity and choice in the system to enable there to be a good school near each child that is tailored to their needs.

Dr Roberta Blackman-Woods (City of Durham) (Lab): Will the Secretary of State explain why she wants to link the sponsoring of schools by universities to higher tuition fees? This country's students are already highly indebted from paying for their education without being required to pay for secondary education as well. Universities sponsoring schools might be a good thing, but asking students to pay for it is not.

Justine Greening: The hon. Lady may have misunderstood the proposal. We are saying that if universities want to be able to charge higher fees, they will need to play a stronger role in raising attainment in the system more broadly—alongside the work that they

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already do with bursaries. We have seen that that works effectively in some cases and want to roll it out more widely.

Mr Jacob Rees-Mogg (North East Somerset) (Con): Does my right hon. Friend agree that academic excellence is a good in and of itself, and therefore that something that is academically the best is worth having and that everything else around it is fundamentally secondary? I also congratulate her on opening up faith schools. That will be particularly welcomed by the Catholic Church, which has a fantastic record on faith schools in some of the most disadvantaged and diverse communities.

Justine Greening: My hon. Friend is absolutely right. The rule was ineffective and prevented Catholic faith schools from feeling that they could open under the free schools system. It is sensible to consider how we replace it with a set of rules that will work more effectively. From the reaction of the Opposition to my hon. Friend's points on academic rigour and ability, it is clear that a class war is still under way—it is raging in the Labour party.

Derek Twigg (Halton) (Lab): Can we do away with the nonsense from some Conservative supporters of grammar schools that Labour Members are somehow hypocritical because we are all from grammar schools? I was brought up on a council estate and went to a secondary modern. The right hon. Member for Surrey Heath (Michael Gove) congratulated the Secretary of State on the moral purpose of what is being discussed today, but actually it is immoral to select young people on their academic ability. That is what we should be opposing.

I want to ask the Secretary of State a clear question. Sir Michael Wilshaw has come out against extending selection. Is he right or wrong?

Justine Greening: I have a lot of respect for Sir Michael Wilshaw, but I do not agree with him at all on this issue.

Simon Hoare (North Dorset) (Con): As the product of and with three children at state faith schools, I welcome my right hon. Friend's recognition of the huge importance of faith schools and welcome the proposals that she has set before the House. However, I have questions about two areas. Deprivation, poverty and lack of aspiration are not restricted to our urban areas and exist across rural areas. Will she ensure that all proposals are rural-proofed, particularly in large rural areas where only one comprehensive secondary school serves a large catchment area? Will she also underscore that the Government's commitment to fairer funding to the benefit of our rural schools will be in no way hindered by the proposals announced today?

Justine Greening: First, on my hon. Friend's last point, the Government will shortly respond to the first phase of the consultation and will set out the second phase on how to ensure that the national funding formula is fair—he set out why it is so important that we do that. Secondly, my hon. Friend is right to highlight that rural schools are in a position to improve more strongly.

One of the lessons of London is that schools are close together—I see this as a London MP—and it has been easier for teachers to spend time together working out how to raise standards. We need to ensure that we can take that approach while ensuring that it still works in areas where schools are more dispersed.

Richard Burden (Birmingham, Northfield) (Lab): The Secretary of State will know that in Birmingham grammar schools have existed alongside comprehensive schools for decades. Nobody argues that the King Edward schools are anything other than good schools, and they do collaborate with other schools. The point is, and I put this to the Secretary of State, that their existence has not changed and cannot change the life chances of the majority of children in Birmingham, including in terms of tackling the issue of underachievement of white working-class areas such as the one I represent. She suggests that she does not want structures to get in the way of standards. I put it to her that by making the expansion of segregation and selection the centrepiece of her ambition, her boss the Prime Minister is actually going in the opposite direction, and that whatever else this is about, it is not about schools that work for everybody.

Justine Greening: I totally disagree with the hon. Gentleman. As he will be aware, the schools in Birmingham that he talked about are now prioritising children who are eligible for the pupil premium. It is wrong simply to turn around to parents who want more choice and say that they cannot have it and that somehow they are wrong. We should be looking at how parents can get more choice and we should not simply be ignoring it, as his party is.

Claire Perry (Devizes) (Con): There is much to welcome in this statement and Green Paper—the focus on choice, the lack of ideology and the absolute commitment demonstrated by the Secretary of State to better education for all to meet the demands of the 21st century—but some things concern me. The reason why my school, Nailsea comprehensive, has improved so much, and indeed why the schools in my constituency have improved so much, is the impact of the academy programme and, in particular, the multi-academy trusts. They have enabled schools to embrace lower-performing schools, including at primary and pre-school level, to deliver better education. Will she say a little more about how her proposals would fit with the multi-academy trust model, which is so welcome? Will she indicate to the House who the decision makers will be if these choices are to be decided upon?

Justine Greening: As my hon. Friend will know, this consultation is the beginning of a discussion and debate about how we can make sure that these policy proposals work in practice. We are absolutely committed to continuing the process of working with more schools on becoming academies, as we know how much that has delivered in terms of results for our young people. The way in which multi-academy trusts are now able to work together to raise school attainment and to be themselves a way for school improvement to take place is at the heart of our Government education reforms. What we are saying with this Green Paper is that we think grammar schools should play a stronger role, in that existing system, in the future than they have done in the past.

Nic Dakin (Scunthorpe) (Lab): I was in one of the many high-performing comprehensives in my constituency on Friday, and I asked the headteacher what the real challenge is. She told me that it was those young people who are struggling academically but are from families with low aspirations. The Secretary of State's proposals do nothing to address this issue. Why does she not experiment in the areas of the country that have grammar schools, make them take 25% free school meals students as a pilot and see what happens there before she meddles with everybody else's education?

Justine Greening: I encourage the hon. Gentleman to look at the consultation document proposals, as I think he will welcome some elements of them. We have to remember that we are coming from a position of there being no conditionality on grammars whatsoever and far less push on them to reach out into more disadvantaged communities. That push is precisely what we are setting out in this consultation document, while also setting out our intention to give parents more choice.

Ben Howlett (Bath) (Con): I welcome the Secretary of State's and the Prime Minister's commitment to opening education up for everyone and leaving nobody behind, but, having conducted research on this issue and asked the Library, I have found no evidence, thus far, to suggest that social mobility is improved as a result of opening up new grammar schools. What evidence has the Secretary of State got that she will present before this House to prove that opening new grammar schools will improve social mobility? That is something for which the Conservative party has worked hard for a very long time.

Justine Greening: I set out how research by the Sutton Trust has demonstrated the impact of grammars on free-school-meal children and on the broader school communities of which grammars are part. That is a case for change, not a case for keeping the status quo. I encourage my hon. Friend to look at our proposals to see how they can do exactly what he says, and I think he will welcome them.

Melanie Onn (Great Grimsby) (Lab): Can the Secretary of State please explain to children and parents in my constituency why there are no outstanding schools after six years of the Tories' accelerated academies scheme, yet rather than investing in those schemes and ensuring that the teacher shortage is addressed, that money is to be diverted into a scheme for a selected few? Is she proud that she is proposing bringing back a two-tier education system and yet more upheaval in our already exhausted schools?

Justine Greening: The hon. Lady's area demonstrates why we need to continue to do more and work harder to ensure that the reforms that we have introduced can start to have an impact for children, and it is also why we are right to leave no stone unturned in understanding how we can make sure that there are good schools and good school places for children in all parts of our country. To my mind, that requires us to look at all options, not to close some off.

Justin Tomlinson (North Swindon) (Con): Having represented parents for 16 years, I know that nothing angers them more than their children not being able to

access a good local school. Will the Secretary of State therefore consider changing access to UTCs from 14 to 19 to 11 to 19?

Justine Greening: As UTCs steadily bed down and develop, we are right to look at how they can evolve over time. There are some indications that working with children at a younger age may be one of the ways to achieve a UTC model that is successful.

Peter Kyle (Hove) (Lab): For the past five years I have proudly been chair of governors of the Brighton Aldridge Community Academy. It is a school that has 60% of its students on pupil premium. This year it increased its GCSE results by 21%. It is truly a school for everyone. Can the Secretary of State name a single grammar school that has more than half of its students from areas of deprivation and this year increased its GCSE results by more than 20%? If not, will she just remove this ridiculous proposal before it goes too far?

Justine Greening: The hon. Gentleman argues about the status quo, while resolutely standing against any proposals to change it. As he knows, the challenge that we face is selection by house price. Parents simply do not have the choice if they are not able to buy a house in a catchment area. We think that is totally unacceptable and that grammars should do more to reach into disadvantaged communities, but we also think that parents in those communities should have the choice of a grammar if that is what they want.

Craig Whittaker (Calder Valley) (Con): The Calder Valley is unique in the north of England, as we are still served by three state grammar schools, all of which are hugely popular with parents and pupils alike. Will my right hon. Friend, however, look at how we encourage state primary schools to help those pupils, particularly those from deprived backgrounds, who opt to sit the entrance exam, which my local state primary schools are currently opposed to doing?

Justine Greening: My hon. Friend sets out a serious issue. It is one of the reasons for some of the proposals to ensure that grammars work more carefully with their feeder schools that are primaries in areas of lower income families. It is vital that we break that link. An important piece of work done by Kent County Council looked at some of the reasons why parents from lower income families were often less inclined to send their children to grammar schools. In many cases that was not just about the test; it was about school uniforms and transport costs. These are all practical steps that we can take to remove the barriers that parents sometimes wrongly think exist, which dissuade them from even applying to grammars.

Mike Kane (Wythenshawe and Sale East) (Lab): As the Secretary of State will know from her previous job, faith-based institutions are the biggest providers of schools on the planet. I think the grammar school issue is a smokescreen to hide the disastrous policy of the 50% arbitrary cap that this Government introduced, which has led to few schools being built in areas of demand and thousands of parents therefore being denied their choice. That is this Government's record.

Justine Greening: I do not think that is correct. The reality is that 1.4 million more children are now in good or outstanding schools. We have improving standards and a tougher but appropriately stretching curriculum. That is progress, and it is a lot more progress than Labour made.

John Stevenson (Carlisle) (Con): I was very interested in my right hon. Friend's comments about the independent sector. Independent schools clearly have much to offer the public sector, but if an independent school does not make an adequate contribution, or is not willing to, will she consider putting VAT on its fees?

Justine Greening: The reality is that we will work with the Charity Commission to set a more stretching, tougher bar for independent schools to demonstrate that they are, indeed, eligible for charitable status. If they are unable or unwilling to meet those tougher standards, they simply will not be able to get charitable status, and that will then, of course, impact on their tax status too.

Jonathan Reynolds (Stalybridge and Hyde) (Lab/Co-op): What does it say when the new Prime Minister's first major initiative is so regressive that the former Tory Prime Minister would rather resign from Parliament than be faced with voting for it? The Secretary of State must know what the real problems are. They are, most of all, the shortage of teachers, the workload that we then put on the rest of the teachers, insufficient pupil funding in some areas and, in most places, an absence of the very best, most outstanding leadership. Please, Secretary of State, take this issue away and come back with something serious about standards, not structures.

Justine Greening: We are working on all of those things, but that does not mean that we should not ask ourselves additionally how we can make sure that there are more good school places for more children, especially in parts of the country where there are currently insufficient good school places. It is not an either/or question. These proposals today—this Green Paper that we are opening up—are about how we ensure that the overall reforms we are bringing forward are going to be successful.

Mr Julian Brazier (Canterbury) (Con): I congratulate my right hon. Friend on her vision on religious and selective schools. May I shift the spotlight to STEM subjects—science, technology, engineering and maths? The Simon Langton boys school in my constituency has, for several years running, produced more than 1% of this country's physics graduates. However, there is an even greater issue around maths. The blunt truth is that a child with mathematical abilities in a poor area is very unlikely to find sufficient children in the top stream of their comprehensive to provide a critical mass for maths A-level or, indeed, the more demanding teaching needed further down the school.

Justine Greening: One thing the Government have focused on has been increasing the number of children in and entries for STEM subjects—maths A-level, for example, is now the most popular A-level there is. But there is a lot further to go, not least so that we ensure that children are taking the academic exams that will open up opportunity, but also because that is what our economy needs.

Danny Kinahan (South Antrim) (UUP): I am sure that the Secretary of State knows this because it has been touched on before, but in Northern Ireland 67 of our schools are grammar schools. We often lead in the results in the United Kingdom. One third, though, are failing. I would welcome the right hon. Lady coming to Northern Ireland to talk to all parties as well as to look at the three side effects of having grammar schools. It is important to ensure that vocations are still looked at, that we have standardised tests that everyone can get at and that we have the sharing of resources with other schools so that they are not left behind.

Justine Greening: The hon. Gentleman sets it out very well. It is about having a balanced package of reforms that mean not only that parents have choice, but that, fundamentally, grammars are engines of social mobility.

Victoria Atkins (Louth and Horncastle) (Con): I welcome my right hon. Friend's commitment to sharing the success of grammar schools with neighbouring non-selective schools, and I welcome it because it is already happening in my constituency with the Horncastle Umbrella Trust, thought to be the first partnership in the country between a grammar school, Queen Elizabeth's, and its neighbouring non-selective academy, Banovallum School. The trust works for the good of all children in Horncastle, sharing teaching practices and facilities, and bringing the students together to learn together, with pleasing GCSE results this summer for Banovallum. Will my right hon. Friend please look at these schools and the other excellent selective and non-selective schools in my constituency to see whether their example can work elsewhere in the country?

Justine Greening: I think my hon. Friend will welcome the proposals that we are setting out in the consultation document, which aim to look at how we can see stronger, more connected relationships between grammar schools and other schools nearby, and how, working together, they can lift overall attainment.

Mr Gavin Shaker (Luton South) (Lab/Co-op): As a product of Luton's comprehensive system, I know at first hand the benefits that come from good leadership and good teaching, and that has never held back capable students from social mobility. I will do everything I can, as the town's MP, to oppose segregation. Why does the Secretary of State believe that a system in which the pupil is chosen by the school at 11 is better than the shift that has happened in the past 15 or 20 years whereby pupil and parent together decide on a pathway at 14?

Justine Greening: Again, I do not accept that this is somehow an either/or approach on education. It is about driving more choice for parents, having more schools that can be tailored to particular children's needs, and, in the end, raising educational standards.

Martin Vickers (Cleethorpes) (Con): I welcome my right hon. Friend's statement. In the week or so since this debate began, it has received a very favourable response from my constituents. If we are to maximise the opportunities for our young people, we need not just more grammar schools but more young people

reaching the standard at the age of 11 to qualify for them. Can she give an absolute assurance that adequate resources will be provided at all schools? She spoke of opening excellent feeder schools, but we want to make the existing schools excellent feeder schools.

Justine Greening: One of the suggestions is that expanding grammars could sponsor a primary feeder, particularly in an area of lower-income families, if that was a possibility. As my hon. Friend says, we have to look at all the work we have done in primary schools in terms of phonics and improving maths, driving up attainment to make sure that children are not only ready but at the right level to be able to move into a secondary system and then finish their education from there.

Julie Cooper (Burnley) (Lab): I would like to congratulate the young people in my constituency who have been successful in their GCSE and A-level results this year. There is no shortage nationwide in access to excellent academic education. Our world-leading universities are welcoming more students from this country than ever before. However, we are not so good at providing access to technical and vocational qualifications, and employers across the length and breadth of this country are crying out for those skills. How exactly will introducing more grammar schools improve this situation?

Justine Greening: It needs to sit alongside the Government's existing push on improving vocational education, improving young people's chances to get work experience, and bringing forward 3 million apprenticeships. The hon. Lady is absolutely right to reflect on the fact that although many children will do A-levels and go on into our university system, with a higher proportion and absolute number than ever before now coming from disadvantaged families, many young people will not follow that route. We have to make sure that the vocational route can really deliver for them too.

Matt Warman (Boston and Skegness) (Con): In Lincolnshire we already have grammar schools. With about a third of pupils going to them, many from deprived backgrounds, it is clear that in the right ecosystem grammar schools can be a real engine for social mobility. Will the Secretary of State also bear in mind the contribution that is made by secondary modern schools in the 21st century—schools such as Giles Academy which have evolved to make sure that the right education is provided for the right pupils in a genuinely diverse ecosystem? If we get this right, we can produce schools that make sure that every pupil gets the education they deserve. May I invite her to come to the National Association of Secondary Moderns' reception in the House of Commons, as her predecessor did, to pay tribute to the excellent work that goes on in those schools?

Justine Greening: I look forward to getting a chance to meet the organisation that my hon. Friend mentions. I reiterate his point, which is that we see grammars operating in parts of the country not to the detriment of the broader school community. This is not, as we saw in the past, a binary system with outstanding grammars and, by contrast, other schools—the 1950s and '60s secondary moderns—that were not even testing the children that came through their doors, let alone really

driving attainment. We are in a very different place now, with a much wider, more diverse system, but that is why we are also right to start opening it up.

Liz McInnes (Heywood and Middleton) (Lab): I echo the words of my right hon. Friend the Member for Slough (Fiona Mactaggart): far from opening up opportunities to all children, all this proposal does is open up opportunities to those children whose parents can afford private tutors for them, to train and coach them through the grammar school exam. I also pay tribute to my hon. Friend the Member for Scunthorpe (Nic Dakin) for his excellent suggestion that our current grammar schools should pilot some of these ideas. The Secretary of State has talked about reforming the 11-plus exam. Why does she not start that reform with our existing grammars, make the exam tutor-proof and do what she says is going to happen, namely give all young people an opportunity?

Justine Greening: I know that the hon. Lady will welcome the fact that a number of grammar schools are already looking at how they can make sure that their test focuses more on the underlying abilities of the child than on the ability of their parents to pay for a tutor. We should also look at other ways in which we can overcome those barriers, but I do not think that the answer to that is to simply—[*Interruption.*]

Mr Speaker: Order. We cannot have a series of side conversations and Members chuntering from a sedentary position across the Chamber in evident disapproval of what the other is saying while the Secretary of State is trying to respond to questions. I was speaking to a very large group of school students in Ochil and South Perthshire on Friday, and the habitual refrain—[*Interruption.*] Order. I am sure that the hon. Member for Sutton and Cheam (Paul Scully) will be interested in this, and if he is not, he ought to be. The habitual refrain of quite a number of the pupils was, "Why is it sometimes in Parliament that Members are discourteous to each other?" We should try to set a good example. What is required is the statesmanlike demeanour personified by the Minister for Schools, the hon. Member for Bognor Regis and Littlehampton (Mr Gibb), who is sitting in a solemn and reflective manner. There are many examples of Labour Members who are sitting in a similar way. We should learn from them.

Justine Greening: My hon. Friend the Minister for Schools is, indeed, one of the principal reasons behind why school reform in our education system has delivered better outcomes for so many children. The hon. Member for Heywood and Middleton (Liz McInnes) has set out some of the challenges. Many grammar schools are already looking at how to ensure that they are open to more children from disadvantaged backgrounds, and I am sure that she will welcome some of the conditions that we will set on grammars to expand and some of the challenges that we will put on existing grammars to do more.

Alex Chalk (Cheltenham) (Con): On selective schools, does the Secretary of State agree that we must take account of local circumstances? Cheltenham has some of the strongest comprehensives anywhere in the country—they offer exemplary academic rigour—and they sit alongside an excellent grammar school. Does she agree

[Alex Chalk]

that, where great opportunities already exist and are growing, thanks to this Government's policies, and local parents are happy with that provision, nothing should be done to disturb that delicate local balance?

Justine Greening: I do, and I have been very clear today that, as part of the consultation, we understand that we need to work with local communities. This is about more choice; it is not about dictating which schools people should have locally.

Diana Johnson (Kingston upon Hull North) (Lab): May I press the Secretary of State on STEM—science, technology, engineering and maths—subjects? With the Humber becoming the UK's energy estuary, thousands of new jobs will depend on people having scientific and vocational qualifications and good apprenticeships. If we are really serious about schools that work for everyone—we already have academies, we are getting a universal technical college and we have free schools—would it not be much better to concentrate on making them work best for our children, rather than introduce grammar schools, which are for a bygone age and not for this century?

Justine Greening: I will say two things in response. First, we have seen significant improvements in children's attainment in maths and English over recent years, and we are introducing a more stretching curriculum for GCSEs. Set against that, some of the schools that are delivering best for children in achieving attainment in STEM subjects are themselves grammars, so it makes sense to look at how we can give parents in other parts of the country more choice to send their child to a local grammar.

Richard Graham (Gloucester) (Con): I welcome both the process and the breadth of the debate launched by the Prime Minister and the Secretary of State. We have four historic grammar schools in Gloucester, and for some time I have very much wanted to increase significantly the numbers of free-school-meal pupils who attend them, as well as the numbers of pupils who live closest to them. Will my right hon. Friend confirm that those issues and, indeed, options for how best to achieve them will form part of her Department's subsequent White Paper?

Justine Greening: I will be keen to see my hon. Friend's response to the Green Paper and the consultation document. It very much sets out these issues, and we will take account of the responses that we get. As he knows, many of the children at his local grammars are from outside his local area. That suggests that there is broader demand from parents, and we should respond to that.

Andrew Gwynne (Denton and Reddish) (Lab): May I remind the Secretary of State that educational standards improved immeasurably in London as a result of the Labour Government's London Challenge? It focused on standards of education in the classroom, quality teaching and excellent leadership, and it involved the collaboration of schools across the capital. We had a similar scheme in Greater Manchester, the Greater

Manchester Challenge, which sadly was scrapped in the early days of the previous coalition Government. May I urge the Secretary of State, as part of this process, to focus not solely on structures but on collaboration, the drive for better standards and making sure we best use teaching and leadership to drive up educational standards in places such as Greater Manchester?

Justine Greening: I agree with the hon. Gentleman. We are setting out some proposals today about how we can get more good school places for more children, but they sit alongside all the things that he has talked about, such as standards, quality and strong leadership. I believe that grammars have many of those features, but, as he sets out, many other schools have them too. That is why we have done so much work to raise overall school standards over the last six years, and more schools than ever before are now good or outstanding. I was surprised not to hear him mention the Manchester expo proposal, which I know his local area is developing, so I thought I would do so on his behalf.

Steve Double (St Austell and Newquay) (Con): I welcome the Secretary of State's announcement and her willingness to challenge the status quo and the one-size-fits-all approach to education. May I seek an assurance that in this review she will not neglect rural areas, where some communities may only have one secondary school within easy travelling distance; that she will look at how to increase diversity and choice for families in those circumstances; and that she will continue to address the shortfall in the education funding that many rural areas receive?

Justine Greening: My hon. Friend has set out, as in previous points that have been made, the particular challenges that rural communities face in having strong choice and strong school places locally. I assure him that I am well aware that hon. Members in rural areas are concerned to see us get on with the national funding formula next steps, and we will be announcing what we are going to do shortly.

Christian Matheson (City of Chester) (Lab): May I give the Secretary of State the opportunity to answer a question that I tried to get her to answer last week, which she simply failed to address? We can either have school selection or we can have parental choice; on one hand the school selects, and on the other the parents choose. Which is it?

Justine Greening: In the end, it is both. At the moment, many parents do not have the choice of a grammar school, so it makes sense to see what we can do to rectify that. I disagree with the underlying premise of the hon. Gentleman's question, which is that if a child cannot get into a grammar, there are no other good schools around for them. We want to make sure that there are. In many parts of the country, grammars and non-grammar schools coexist very well together and, indeed, work very effectively together. We would be wrong not to respond to parents who want more good school places and the option of a grammar school for their child.

Mrs Flick Drummond (Portsmouth South) (Con): May I take the opportunity to ask my right hon. Friend to congratulate Portsmouth schools, both academy and

comprehensive, on another improvement in their results this year; and to congratulate St Edmund's Catholic School on becoming an outstanding comprehensive? Will my right hon. Friend assure me that whatever structures we have, be they academies, grammars or comprehensives, the Government will concentrate on the quality of teaching, because that has the most crucial impact in raising standards?

Justine Greening: I congratulate the schools in my hon. Friend's local area on their recent results, which are down not only to the hard work of the children, but to the dedication of the teachers in those schools that has enabled the children to do so well. As she points out, in the end this comes down to improving the quality of teaching—that is how we get good schools—and we believe that grammars can play a role in that.

Mr Nigel Evans (Ribble Valley) (Con): The former Prime Minister, who has been mentioned in the Chamber—we will miss him around the Commons—did not go to a grammar school, but his parents managed to get him into a decent school. Is that not the point? I went to a grammar school, and I would not wish to deny that to youngsters growing up on working-class estates like the one where I grew up.

Will the Secretary of State take on one thing, which is that, increasingly, people will not be going to their nearest school? In Ribble Valley, we have Clitheroe Royal Grammar School and a number of other good schools, yet the county council refuses to give assistance to youngsters not going to their closest school. Parents are being clobbered with costs of £600, or sometimes of over £1,000 if they have two youngsters who are not going to the nearest school. Will she work with the Department for Communities and Local Government to make sure that parents and youngsters are not financially disadvantaged?

Justine Greening: My hon. Friend makes an important point. In many respects, the fact that parents want places closer to where their children live underlines why we are right to give parents more choice. He raises the issue of transport costs. I am very well aware of it, and I will certainly look at what I can do to ensure that, wherever children are in our country, transport costs are not a barrier to going to the school they get into.

Jason McCartney (Colne Valley) (Con): We are very lucky in my constituency, because the brightest young people from all backgrounds are already flourishing in my locally run local education authority schools, local academies and the co-operative trust school, and we are very well served with progression to two sixth-form colleges—Greenhead College and Huddersfield New College. Will the Secretary of State assure me and local parents that this is a genuine consultation, and will she focus on social mobility and funding for smaller schools, rather than selection and segregation?

Justine Greening: I assure my hon. Friend that this is a very open and genuine Green Paper consultation. I will be interested to see the submission he makes to it. As I have said to many hon. Members, this is not about forcing local communities to have schools that they do not want; it is about working with local communities and simply giving parents more choice, if that is what

they want. At the moment, there are too many parts of the country where people want it but do not have it, and we should try to do something about that.

Richard Drax (South Dorset) (Con): I welcome my right hon. Friend to her place, and I also welcome her suggestions for educational reforms. May I suggest that this is not about segregation, as has been suggested by some Members on both sides of the House, but about aspiration? We only have to look at our Olympic gold medallists and other medallists, who are streamed to perfection—not everyone can attain that—and the inspiration derived from their success that ripples the whole way down to those who, perhaps like me, are not the best at the 100 metres.

Justine Greening: As my hon. Friend points out, raising children's expectations, and also their parents' expectations, is absolutely critical. We believe we can open up our school system to allow selection to play a role in helping that take place, but I have also set out how I want independent schools and universities to play a stronger role. Doing so will fundamentally set goals high for our children, and if they are set high, children have a chance of reaching them.

Mark Pawsey (Rugby) (Con): Rugby has three outstanding grammar schools, and parents will be delighted that they are able to expand. The very fact of their excellence means that bright youngsters from towns and cities outside Rugby apply for and are allocated places at them, some of which might otherwise go to Rugby children. Does the Secretary of State join me in welcoming the fact that not only will the development of grammar schools in other areas be right for those areas, but it will mean that a greater proportion of our selective places can be taken up by Rugby pupils?

Justine Greening: Indeed, I do. Although it was depressing to hear Labour Members not even willing to engage with the sort of issues that local communities actually face, we are right to open up this debate so that we can take a measured approach to understanding what a 21st-century policy on grammars should be.

Paul Scully (Sutton and Cheam) (Con): I am grateful for your generosity in allowing me to ask a question following my absence, Mr Speaker.

I welcome the Secretary of State's comments about the fact that schools have already started to change their admissions exams to recognise that the over-tutoring of children just to squeeze them into grammar schools can have a negative effect, because they may struggle for the following seven years.

We were asked for a London example. Does the Secretary of State agree that the example of Sutton is a good one? There are six either fully or partly selective schools working closely with two Catholic schools, two schools that provide extra assistance to those who are gifted at sport, and other schools that provide a wide range of vocational training, including Stanley Park High School in the neighbouring constituency of Carshalton and Wallington. Stanley Park has gone from being an average state school to being *The Times Educational Supplement's* secondary school of the year.

[Paul Scully]

All that is underpinned by inspirational leadership and great teaching, which is what can make schools work for everyone.

Mr Speaker: The hon. Gentleman has obviously used the long wait to allow his thoughts to fructify in his mind. We are deeply obliged to him.

Justine Greening: My hon. Friend sets out how a number of very different schools can work together effectively to raise standards and attainment collectively, while at the same time giving parents a choice so that they can find the school nearby that will be best for their child. That is precisely what we are aiming for in opening up the debate and issuing the Green Paper, and I look forward to continuing that over the coming months.

Mr Speaker: I thank the Secretary of State and all colleagues who have taken part in this important series of exchanges.

BILL PRESENTED

ARMS EXPORT CONTROLS (COUNTRIES OF CONCERN) BILL

Presentation and First Reading (Standing Order No. 57)

Tom Brake presented a Bill to establish a presumption against licensing arms exports to certain countries designated by the Secretary of State as being countries of concern in relation to their respect for human rights; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 21 October, and to be printed (Bill 63).

WALES BILL: PROGRAMME (NO. 2)

Ordered,

That the following provisions shall apply to the Wales Bill, in place of paragraphs (5) and (6) of the Order of 14 June 2016:

(1) Proceedings on Consideration shall be taken in the order shown in the first column of the following Table and shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

Table	
<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
New Clauses and new Schedules relating to Part 1; amendments to Part 1.	Two and a half hours after the commencement of proceedings on the motion for this order.
New Clauses and new Schedules relating to Part 2; amendments to Part 2; New Clauses and new Schedules relating to Part 3; amendments to Part 3; New Clauses and new Schedules relating to Part 4; amendments to Part 4; remaining proceedings on Consideration.	Five hours after the commencement of proceedings on the motion for this order.

(2) Any proceedings in Legislative Grand Committee and proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion six hours after the commencement of proceedings on the motion for this order.—(Heather Wheeler.)

Wales Bill

Consideration of Bill, as amended in the Committee
[Relevant documents: First Report from the Welsh Affairs Committee, Session 2015-16, on Pre-legislative scrutiny of the draft Wales Bill, HC 449, and the Government response, HC 280.]

New Clause 4

ELECTIONS OF POLICE AND CRIME COMMISSIONERS

“(1) Section 50 of the Police Reform and Social Responsibility Act 2011 (timing of ordinary election of police and crime commissioners) is amended as set out in subsections (2) to (4).

(2) In subsection (3), for “the ordinary day of election” substitute “the first Thursday in May”.

(3) In subsection (5)—

(a) in paragraph (a), for “the ordinary day of election” substitute “the first Thursday in May”;

(b) in paragraph (b), for the words from “the ordinary day of election” to “in relation to Wales,” substitute “the first Thursday in May”.

(4) Omit subsection (6).

(5) In section 51 of that Act (election to fill vacancy in office of commissioner), for subsection (6) substitute—

“(6) A person is a relevant elector for the purposes of subsection (5) in relation to a police area in England if the person is registered in a register of local government electors in respect of an address within the police area.

(6A) A person is a relevant elector for the purposes of subsection (5) in relation to a police area in Wales if subsection (6B) or (6C) applies.

(6B) This subsection applies if—

(a) the person is registered in a register of parliamentary electors in respect of an address within the police area, and

(b) the registration is not in pursuance of an overseas elector's declaration.

(6C) This subsection applies if—

(a) the person is disqualified as a peer from voting as an elector at parliamentary elections, or is a relevant citizen of the Union, and

(b) the person is registered in a register of local government electors in respect of an address within the police area.”

(6) Section 52 of that Act (persons entitled to vote) is amended as set out in subsections (7) and (8).

(7) In subsection (1), after “a police area” insert “in England”.

(8) After subsection (1) insert—

“(1A) A person is entitled to vote as an elector at an election of a police and crime commissioner for a police area in Wales if subsection (1B) or (1C) applies.

(1B) This subsection applies if on the date of the poll—

(a) the person would be entitled to vote as an elector at a parliamentary election in a constituency wholly or partly comprised in the police area,

(b) the address in respect of which the person is registered in the register of parliamentary electors for that constituency is within the police area, and

(c) the registration is not in pursuance of an overseas elector's declaration.

(1C) This subsection applies if on the date of the poll—

(a) the person is disqualified as a peer from voting as an elector at parliamentary elections, or is a relevant citizen of the Union who has attained the age of 18,

(b) the person would be entitled to vote as an elector at a local government election in an electoral area wholly or partly comprised in the police area, and

- (c) the address in respect of which the person is registered in the register of local government electors for that electoral area is within the police area.”

(9) Section 64 of that Act (disqualification for election as police and crime commissioner) is amended as set out in subsections (10) and (11).

(10) In subsection (1), after “a police area” insert “in England”.

(11) After subsection (1) insert—

“(1A) A person is disqualified from being elected to the office of police and crime commissioner for a police area in Wales at any election unless—

- (a) the person has attained the age of 18 when nominated as a candidate at the election, and
- (b) on each relevant day subsection (1B) or (1C) applies.

(1B) This subsection applies if—

- (a) the person is registered in a register of parliamentary electors in respect of an address within the police area, and
- (b) the registration is not in pursuance of an overseas elector’s declaration.

(1C) This subsection applies if—

- (a) the person is disqualified as a peer from voting as an elector at parliamentary elections, or is a relevant citizen of the Union, and
- (b) the person is registered in a register of local government electors in respect of an address within the police area.”

(12) In section 102 of that Act (interpretation of Part 1), in subsection (1), at the appropriate places insert—

““overseas elector’s declaration” has the meaning given by section 2 of the Representation of the People Act 1985;”;

““relevant citizen of the Union” has the meaning given by section 202(1) of the Representation of the People Act 1983;”.—(*Alun Cairns*.)

The new clause provides for timing of, franchise for, and eligibility of candidates in, PCC elections (which are reserved) to cease generally to be linked to local government elections (which are to be devolved), and for ordinary PCC elections to continue to be on the same day in England and in Wales.

Brought up, and read the First time.

5.27 pm

The Secretary of State for Wales (Alun Cairns): I beg to move, That the clause be read a Second time.

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

Government amendments 3 to 7.

Amendment 60, in clause 1, page 2, leave out lines 4 to 9 and insert—

“PART 2B

ESTABLISHMENT OF TWO DISTINCT JURISDICTIONS

92B Legal jurisdictions of Wales and of England

The legal jurisdiction of England and Wales becomes two legal jurisdictions, that of Wales and that of England.

92C The law of Wales and the law of England

(1) The law of England and Wales is divided into the law of Wales and the law of England.

(2) All of the law that extends to England and Wales immediately before the coming into force of this section—

- (a) except in so far as it applies only in relation to England, is to extend to Wales (and becomes the law of Wales), and

- (b) except in so far as it applies only in relation to Wales, is to extend to England (and becomes the law of England).

(3) In this section “law” includes—

- (a) rules and principles of common law and equity,
- (b) provision made by virtue of an Act of the United Kingdom Parliament, an Act of the Welsh Parliament or an Act or Measure of the National Assembly for Wales, and
- (c) provision made pursuant to the prerogative.

(4) Any provision of any enactment or instrument enacted or made, but not in force, when subsection (1) comes into force is to be treated for the purposes of that subsection as part of the law that extends to England and Wales (but this subsection does not affect provision made for its coming into force).

92D Senior Courts system

(1) The Senior Courts of England and Wales cease to exist (except for the purposes of sections 92H (3) and (4)) and there are established in place of them—

- (a) the Senior Courts of Wales, and
- (b) the Senior Courts of England.

(2) The Senior Courts of Wales consist of—

- (a) the Court of Appeal of Wales,
- (b) the High Court of Justice of Wales, and
- (c) the Crown Court of Wales, each having the same functions in Wales as are exercisable by the corresponding court in England and Wales immediately before subsection (1) comes into force.

(3) The Senior Courts of England consist of—

- (a) the Court of Appeal of England,
- (b) the High Court of Justice of England, and
- (c) the Crown Court of England,

each having the same functions in England as are exercisable by the corresponding court in England and Wales immediately before subsection (1) comes into force.

(4) For the purposes of this Part—

- (a) Her Majesty’s Court of Appeal in England is the court corresponding to the Court of Appeal of Wales and the Court of Appeal of England,
- (b) Her Majesty’s High Court of Justice in England is the court corresponding to the High Court of Justice of Wales and the High Court of Justice of England, and
- (c) the Crown Court constituted by section 4 of the Courts Act 1971 is the court corresponding to the Crown Court of Wales and the Crown Court of England.

(5) Subject to section 92I—

- (a) references in enactments, instruments and other documents to the Senior Courts of England and Wales (however expressed) have effect (as the context requires) as references to the Senior Courts of Wales or the Senior Courts of England, or both; and
- (b) references in enactments, instruments and other documents to Her Majesty’s Court of Appeal in England, Her Majesty’s High Court of Justice in England or the Crown Court constituted by section 4 of the Courts Act 1971 (however expressed) have effect (as the context requires) as references to either or both of the courts to which they correspond.

92E County court and family court

(1) The county court and the family court cease to exist (except for the purposes of sections 92H (3) and (4)) and there are established in place of them—

- (a) the county court of Wales and the family court of Wales with the same functions in Wales as are exercisable by the county court and the family court (respectively) immediately before this subsection comes into force, and

- (b) the county court of England and the family court of England with the same functions in England as are exercisable by the county court and the family court (respectively) immediately before this subsection comes into force.

(2) For the purposes of this Part—

- (a) the county court is the court corresponding to the county court of Wales and the county court of England, and
- (b) the family court is the court corresponding to the family court of Wales and the family court of England.

(3) Subject to section 92I references in enactments, instruments and other documents to the county court or the family court (however expressed) have effect (as the context requires) as references to either or both of the courts to which they correspond.

92F Judiciary etc.

(1) All of the judges, judicial office-holders and other officers of Her Majesty's Court of Appeal in England or Her Majesty's High Court of Justice in England become judges, judicial office-holders or officers of both of the courts to which that court corresponds.

(2) All of the persons by whom the jurisdiction of the Crown Court constituted by section 4 of the Courts Act 1971 is exercisable become the persons by whom the functions of both of the courts to which that court corresponds are exercisable except that (despite section 8(2) of the Senior Courts Act 1981)—

- (a) a justice of the peace assigned to a local justice area in England may not by virtue of this subsection exercise functions of the Crown Court of Wales, and
- (b) a justice of the peace assigned to a local justice area in Wales may not by virtue of this subsection exercise functions of the Crown Court of England.

(3) All of the judges, judicial office-holders and other officers of the county court become judges, judicial office-holders or officers of the county court of Wales and the county court of England.

(4) All of the judges, judicial office-holders and other officers of the family court become judges, judicial office-holders or officers of the family court of Wales and the family court of England except that (despite section 31C(1)(y) of the Matrimonial and Family Proceedings Act 1984)—

- (a) a justice of the peace assigned to a local justice area in England is not a judge of the family court of Wales, and
- (b) a justice of the peace assigned to a local justice area in Wales is not a judge of the family court of England.

92G Legal professions

(1) Every legal practitioner who would (but for this Part) at any time after the coming into force of this Act be entitled to carry on a reserved legal activity for the purposes of the law of England and Wales, in proceedings in England and Wales or before the courts of England and Wales, has at that time the same entitlement for the purposes of the law of England and the law of Wales, in proceedings in England and proceedings in Wales and before the courts of England and the courts of Wales.

(2) In this section—

“legal practitioner” means every solicitor, barrister, notary, legal executive, licensed conveyancer, patent attorney, trade mark attorney, law costs draftsman, accountant or other person who, in accordance with the Legal Services Act 2007 (c. 29), is entitled to carry on a reserved legal activity;

“reserved legal activity” has the same meaning as in the Legal Services Act 2007.

92H Division of business between courts of Wales and courts of England

(1) The Senior Courts of Wales, the county court of Wales, the family court of Wales and the justices for local justice areas in Wales are to apply the law extending to Wales (including the

rules of private international law relating to the application of foreign law).

(2) The Senior Courts of England, the county court of England, the family court of England and the justices for local justice areas in England are to apply the law extending to England (including the rules of private international law relating to the application of foreign law).

(3) All proceedings, whether civil or criminal, pending in any of the Senior Courts of England and Wales, the county court or the family court (including proceedings in which a judgment or order has been given or made but not enforced) must be transferred by that court to whichever of the courts to which that court corresponds appears appropriate.

(4) The transferred proceedings are to continue as if the case had originated in, and the previous proceedings had been taken in, that other court.

Supplementary

92I Power to make further provision

(1) Her Majesty may by Order in Council make provision (including provision amending or otherwise modifying any enactment or instrument, including this Act) that appears appropriate in consequence of, or otherwise in connection with, the provision made by this Part.

(2) The provision that may be made under subsection (1) includes in particular provision relating to—

- (a) courts,
- (b) tribunals,
- (c) the judges, judicial officers and other members and officers of courts and tribunals,
- (d) the Counsel General or other law officers,
- (e) the legal professions,
- (f) the law relating to the jurisdiction of courts and tribunals, and
- (g) other aspects of private international law (including, in particular, choice of law, domicile and the recognition and enforcement of judgments and awards).

(3) No Order may be made under subsection (1) unless a draft of the Order has been laid before, and approved by resolution of—

- (a) each House of the United Kingdom Parliament, and
- (b) the Welsh Parliament.”

This amendment replaces the Bill's proposed recognition of Welsh law with provisions to establish two distinct legal jurisdictions of England and Wales, as drafted by the Welsh Government.

Government amendments 8 to 12.

Amendment 68, in clause 8, page 10, line 2, at end add

“in relation to any of the matters in subsection (2)(a) to (c) or a majority of the total number of Assembly seats in relation to the matters in subsection (2)(d) or (e).”

This amendment would substitute a majority of Assembly Members for the two-thirds super-majority required to change the existing specification or number of constituencies, regions or any equivalent electoral area, and the number of members to be returned for each constituency.

Government amendment 13.

Amendment 69, page 10, line 26, at end add

“in relation to any of the matters in section 111A (2)(a) to (c) or a majority of the total number of Assembly seats in relation to the matters in section 111A (2)(d) or (e).”

This amendment is consequential on amendment 68, to substitute a majority of Assembly Members for the two-thirds super-majority required to change the existing specification or number of constituencies, regions or any equivalent electoral area, and the number of members to be returned for each constituency.

Government amendments 14 to 22 and 26.

Amendment 63, in schedule 1, page 50, line 31, leave out “Betting, gaming and”.

This amendment with amendments 64 and 65 would devolve betting, gaming and lotteries in Wales (other than the National Lottery) to Welsh Ministers and the National Assembly for Wales.

Amendment 64, page 50, leave out line 32 and insert “The National Lottery”.

See amendment 63.

Amendment 1, page 50, line 32, at end insert—

“Exception

In the case of a betting premises licence under the Gambling Act 2005, other than one in respect of a track, the number of gaming machines authorised for which the maximum charge for use is more than £10 (or whether such machines are authorised).”

This amendment would modify section B18 (betting, gaming and lotteries) of proposed Schedule 7A to the Government of Wales Act 2006 such that the number of gaming machines authorised by a betting licence in Wales would fall within the legislative competence of the National Assembly for Wales. A corresponding amendment (NC2) proposes that powers be granted to the Welsh Ministers, under the Gambling Act 2005, to regulate the number of gaming machines authorised by a betting licence in Wales.

Amendment 65, page 50, line 32, at end insert—

“Exception

All lotteries other than the National Lottery”.

See amendment 63.

Amendment 67, page 59, line 36, at end add

“other than the Wales and Borders franchise”.

This amendment allows the Welsh Government to be responsible for the Wales and Borders franchise.

Amendment 61, page 68, line 17, at end insert—

“Exceptions

Welsh language broadcasting and other Welsh language media.”

This amendment would devolve competence to the National Assembly for Wales in relation to Welsh language broadcasting and other Welsh language media.

Amendment 2, page 72, line 28, leave out paragraph 184.

This amendment would modify section M4 (development and buildings) of Part 2 of proposed Schedule 7A to the Government of Wales Act 2006 such that the community infrastructure levy would fall within the legislative competence of the National Assembly for Wales.

Government amendments 27 to 33.

Amendment 66, in schedule 2, page 85, line 3, at end insert—

“(11A) The requirement for consent by the appropriate Minister under—

- (a) paragraph 8 above, in relation to a reserved authority,
- (b) paragraph 10 above, in relation to public authorities (other than Wales public authorities), or
- (c) paragraph 11 above, in relation to functions of a Minister of the Crown or any power of the Secretary of State under section 6 of the Railways Act 2006

does not apply where the provision of an Act of the Assembly relates to a Welsh language function.”

This amendment removes the requirement for Ministerial consent for Acts of the Assembly affecting functions of reserved authorities, public authorities or Ministers where the Act of the Assembly relates to a Welsh language function.

Government amendments 34 to 42.

New clause 2—*Gaming machines on licensed betting premises—*

“(1) The Gambling Act 2005 is amended as follows.

(2) In subsection (12) of section 172 (gaming machines), after paragraph (a) insert—

‘(aa) the Welsh Ministers, so far as, in the case of a betting premises licence in respect of premises in Wales and not in respect of a track, the order varies—

- (i) the number of gaming machines authorised for which the maximum charge for use is more than £10, or
- (ii) whether such machines are authorised;’

(3) In section 355 (regulations, orders and rules)—

(a) in subsection (1) after “the Secretary of State” for “or the Scottish Ministers” substitute ‘, the Scottish Ministers or the Welsh Ministers’;

(b) at the end insert—

‘(12) An order made by the Welsh Ministers under section 172 shall not be made unless a draft of the Order has been laid before and approved by resolution of the National Assembly for Wales.’

(4) The amendments made by this section do not apply in relation to a betting premises licence issued before this section comes into force.”

This new clause would give powers to the Welsh Ministers, under the Gambling Act 2005, to regulate the number of gaming machines authorised by a betting licence in Wales. A corresponding amendment (amendment 1) has been proposed to modify this aspect of the reservation to the legislative competence of the National Assembly for Wales on betting, gaming and lotteries (section B18 of proposed Schedule 7A to the Government of Wales Act 2006 set out in Schedule 1 to this Bill).

Amendment (a) to new clause 2, leave out “£10” and insert “£2”.

Amendment (b) to new clause 2, leave out “do not”.

New clause 3—*Rail: franchising of passenger services—*

“(1) Section 25 of the Railways Act 1993 (public sector operators not to be franchisees) is amended as follows.

(2) At the end of subsection (2A) insert ‘or a franchise agreement in respect of services that are or include Wales-only services.’

(3) After subsection (2A) insert—

‘(2B) For the purposes of this section a “Wales-only service” has the same meaning as in section 57 of the Railways Act 2005.’

(4) This section does not have effect in relation to any invitation to tender under section 26(2) of the Railways Act 1993 issued before the day on which this section comes into force.”

This new clause would remove a restriction in section 25 of the Railways Act 1993 on certain public sector bodies bidding to operate a rail franchise that is made up of or includes rail services within Wales.

New clause 10—*Wales and Borders rail franchise—*

“(1) Executive franchising functions are devolved to the Welsh Government.

(2) The Welsh Government must consult the Secretary of State on details of the devolved franchise, including how cross-border routes are procured and managed.

(3) The Welsh Government must maintain the existing Wales and Borders franchise until it expires in 2018.

(4) The Welsh Government is solely responsible for letting and managing the new Wales and Borders franchise to take effect after the expiry of the current franchise in 2018.”

This new clause allows the Welsh Government to be solely responsible for letting and managing the new Wales and Borders franchise to take effect after the expiry of the current franchise in 2018.

Government amendments 43, 44, 48, 49, 51, 52, 55 and 57.

Alun Cairns: The Government new clauses and amendments deal with a number of issues, in three main categories. First, there are a number of technical drafting changes to ensure that the new devolution settlement functions as it should. Secondly, there are amendments addressing several issues that have arisen during the ongoing discussion of the Bill with the Welsh Government, the Presiding Officer and the Assembly Commission. Thirdly, I am pleased to have tabled a number of amendments that address issues that I committed to return to when they were raised in Committee before the summer recess.

New clause 4 deals with a drafting issue and is a consequence of the devolution of responsibility for local government elections. It makes changes to provisions in the Police Reform and Social Responsibility Act 2011 relating to the timing and franchise for police and crime commissioner elections, which are reserved under the Bill and are currently linked in law to timing and franchise for local government elections. Under the Bill, responsibility for that provision will be devolved to the National Assembly for Wales. The new clause is therefore necessary to avoid certain aspects of PCC elections in Wales being subject to any future changes that the Assembly makes for future local government elections in Wales.

Hon. Members will be aware that the St David's Day agreement provided that all aspects of the election of PCCs in Wales would remain the responsibility of the UK Government and Parliament. The Bill provides that PCCs, including their elections, are reserved matters, so the Government believe that the new clause is appropriate. It provides that the timing of ordinary elections of PCCs in England and Wales will cease to follow the timings of other ordinary elections in England and Wales. Instead, it provides for them to be held on the first Thursday in May in the year of an election.

The new clause also amends section 52 of the 2011 Act so that the franchise for PCC elections in Wales ceases to correspond directly to that for local elections and instead corresponds to the parliamentary franchise, with the exclusion of overseas electors and the inclusion of peers and EU citizens, who are entitled to vote in local government elections.

Wayne David (Caerphilly) (Lab): My understanding is that the Government are currently considering a report from the Law Society on consolidating and simplifying electoral law. Given that PCCs are not a devolved matter, would it not be sensible for the Government to hold their fire and amend legislation on that, rather than introducing an amendment at this point?

Alun Cairns: The hon. Gentleman is clearly missing the purpose of what we are trying to do. We are seeking to devolve responsibility for local elections to Wales, but because the franchise for those elections is linked to that for the elections for police and crime commissioners, any change to the franchise for local government elections in Wales will have a consequential effect on that for PCC elections, which are non-devolved. We are therefore seeking to separate the franchises, so that the same people have the right to vote as is currently the case. That will give the Welsh Government the freedom to change the franchise for local government elections as they see fit, should they, for example, wish to change

the voting age. It would not be appropriate for such changes to be extended to elections for police and crime commissioners. That is the purpose of the new clause.

Paul Flynn (Newport West) (Lab): The right hon. Gentleman will remember that when elections for police and crime commissioners first took place, only 14% of the electorate voted; one polling station in my constituency achieved an unbeatable world record because no one voted there. When those elections were held on a day that coincided with other elections, 45% of the electorate voted. Is it not best that we and the Assembly ensure that, if possible, elections for police and crime commissioners are held on the same day as other elections?

Alun Cairns: I am grateful to the shadow Secretary of State for his comments. That would of course be the preferred option. It is only appropriate that PCC elections remain reserved and local government elections are devolved; that does not remove the requirement for both Administrations to co-ordinate where possible, but nor do we want to tie the hand of the Assembly should it see fit or need to change the franchise or timings of local government elections. I absolutely concur with his intentions, however.

Kevin Brennan (Cardiff West) (Lab): The Secretary of State is making it clear that the reason for separating the franchises is the Government's concern that the Assembly could then reduce the voting age for police and crime commissioners from 18 to 16. Does he have any other concerns about the franchise that have made him bring forward this new clause?

Alun Cairns: That will be a matter for the Welsh Government. I am seeking to give them absolute freedom over local elections, within the limitations in the Bill, but it is not right that any changes they bring about—which may well change the franchise, if they believe that to be appropriate—should have consequences for PCC elections, for which the Welsh Government do not have responsibility as they are reserved under the Bill.

The new clause also makes consequential changes to the provisions in the 2011 Act for giving notice of a vacancy in the office of the police and crime commissioner and the provisions on the eligibility of candidates.

Amendment 27 is the second technical amendment in the group. It removes the reference to section 14(1)(f) of the Planning Act 2008 from the definition of “relevant nationally significant infrastructure project” in the planning reservation. That section applies only to England so the reference to it in the Bill is superfluous.

Amendments 33, 49, 52, 55 and 57 are all also technical and address an issue with the numerous references to the legislative competence of the Assembly across the statute book. Since devolution began, Acts of Parliament have often sought to define policies by reference to the devolution boundary involving expressions such as “the legislative competence of the Assembly”.

For example, a power to make subordinate legislation could be conferred on the Secretary of State for provisions that are not within the legislative competence of the Assembly where the provisions are within such competence. In determining for the purposes of UK Acts what is and is not within the Assembly's competence, proposed new section 108A and proposed schedules 7A and 7B to the

Government of Wales Act 2006 set out the relevant tests. However, provisions such as paragraphs (8) to (11) of schedule 7B include a consent mechanism whereby a provision will be within competence only if the consent of a UK Minister has been given.

Those consent mechanisms exist so that there is an appropriate role for UK Ministers in relation to Assembly legislation that affects reserved authorities—I underline that that means reserved authorities only. However, that requirement for consent is not appropriate when considering UK legislation. For that reason, amendment 33 disappplies any requirement for a UK Minister's consent when the legislative competence of the Assembly is being interpreted in the context of UK Parliament legislation.

Amendments 49, 52, 55 and 57 ensure that, where Acts of the UK Parliament refer to the Welsh devolution boundary, they do so in accordance with the new reserved powers model as inserted by the Bill. Those are sensible and practical technical changes to ensure that the new reserved powers model of devolution is interpreted and applied consistently in respect of all UK legislation.

The next amendments resulted from ongoing discussions with the Welsh Government, the Assembly's Presiding Officer and the Assembly Commission.

Nick Thomas-Symonds (Torfaen) (Lab): Before the Secretary of State moves on, I want to ask about the reserved powers model. He has mentioned the consistency of interpretation throughout the Bill, which is to be welcomed, but it would be useful if he could give at the Dispatch Box the commitment that it is the desire of the UK Government not to be going to the Supreme Court so much to argue about reserved powers. Let us have clarity going forward to avoid the number of clashes in the courts that there have been.

Alun Cairns: One key purpose of the Bill is to provide clarity of powers and responsibility. I want anyone who lives and works in Wales and outside to understand who is responsible for what. Therefore, the requirement to go to the Supreme Court to clarify individual points will be needless because of the clarity provided in the Bill.

Nick Smith (Blaenau Gwent) (Lab): To go back to the earlier point about PCC elections, will they be allowed to be held in conjunction with other elections so that turnout is higher, and so that we have better elections as a result?

Alun Cairns: The hon. Gentleman makes an important point. There was significant progress in the turnout of PCC elections, as the hon. Member for Newport West (Paul Flynn) said, when they were on the same day as local elections. That continues to be the desired timing of PCC elections. The purpose of the amendments I mentioned relates to the franchise for those elections. The Welsh Government may want to make changes to the franchise or consider the timing of PCC elections. We would like them to continue to be on the same day as local government elections, as per the last PCC elections.

Mrs Madeleine Moon (Bridgend) (Lab): I want to be clear on the separation of the franchises for PCC elections and for local government elections. Does the Secretary of State have concerns—they have perhaps not been expressed—that 16 or 17-year-olds are seen as fit and

able citizens to vote in elections that deal with social services, planning and education, but that they are seen as not capable of voting in elections for police and crime commissioners? Is that what he is trying to suggest, because I would find that very worrying?

Alun Cairns: I suspect the hon. Lady has misunderstood the points I am trying to make. I am seeking to give the Welsh Government freedom in the franchise for local elections, but the current legislation ties the PCC franchise to that of local elections. Should the Welsh Government want to make a change in Wales because of their policies or desires to extend or amend the franchise within the powers conferred in the Bill, it should not be consequential on UK Government policy, and PCC elections are reserved.

It is for the Welsh Government to decide who is eligible to vote—the hon. Lady mentions age—and that is not tied or linked to the policies of the UK Government of the day, whoever they may be. I hope this proposed legislation will be settled for many years and decades to come. Extending or curtailing the franchise, in particular in relation to local elections in Wales, is a matter for the Welsh Government rather than the UK Government. Similarly, any consideration of the franchise for PCC elections is a matter for the UK Government. They are linked under current legislation. The amendments seek to separate that link, so that the responsibility lies with the respective legislature. I hope that clarifies the points raised about a number of amendments. The intention is to give greater freedom to the Welsh Government, so that if they want to change the franchise they are not restricted by the franchise that already exists for PCC elections from this place.

Amendments 14 to 18, 29 to 31, 44, 58 and 51 make a number of technical changes to arrangements in clause 12 and related schedules relating to financial control, accounts and audit. Since introducing the Bill, the Government have continued to discuss its financial control provisions with the Welsh Government and the Assembly commission. The amendments arise from those discussions. Amendment 16 inserts provision in section 124 of the Government of Wales Act 2006, equivalent to the provisions of the Scotland Act 1998, so that a sum paid out of the Welsh consolidated fund may not be applied for any purpose other than that for which it was charged or paid out.

Amendment 29 removes the prohibition on an Assembly Act, amending section 145 or 145A of the Government of Wales Act 1998, which makes provisions for examinations and studies by the Auditor General for Wales. Amendment 18 removes from the Comptroller and Auditor General reserve powers to carry out examinations regarding payments into and out of the Welsh consolidated fund, and the power to carry out value-for-money studies in relation to Wales public authorities. All amendments in this grouping are consequential on amendment 18, to remove the Comptroller and Auditor General's powers over specific Welsh public authorities. With these amendments, the Auditor General for Wales will be the sole auditor of Welsh funds and Welsh public bodies. The Government have confirmed with the Comptroller and Auditor General that he is content with the removal of these powers, which have never been exercised.

Amendment 28 similarly results from discussions with the Welsh Government and removes the reservation for the Children's Commissioner, whose post was established

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through the Children Act 2004. The UK Children's Commissioner will be a reserved authority subject to the restrictions in paragraphs 8 and 10 of new schedule 7B. The effect of paragraphs 8 and 10 is that a provision of an Assembly Act cannot change the UK Children's Commissioner's functions unless the Secretary of State has consented. Removing the reservation will ensure that there are no barriers to the Assembly amending the functions or constitution of the Children's Commissioner, provided the consent of the UK Government has been obtained.

Amendment 32 removes a needless provision from the Bill, paragraph 9(5) of new schedule 7B to the Government of Wales Act 2006. The amendment is being tabled in the interests of brevity and to avoid confusion, and at the suggestion of the Welsh Government. I am grateful to them for raising this point.

Amendments 34 to 37 remove from new schedule 3A several functions that are currently listed as concurrent, but have in fact either been repealed or transferred entirely to Welsh Ministers. Amendment 38 inserts into new schedule 3A concurrent functions provided for in clause 7 on the UK digital service in relation to Assembly elections and local government elections in Wales. The need to make the changes to new schedule 3A has been agreed as part of the constructive discussions on the Bill that my officials and I are having with the Welsh Government. The amendments are relatively minor and technical, but they are necessary to ensure the Bill delivers a clear and coherent devolution settlement for Wales.

5.45 pm

Amendments 39 to 42 add seven further bodies to the list of "Wales public authorities" that are provided for in schedule 4. Their effect is to confirm the "devolved" nature of these bodies. I have tabled these amendments in response to representations made by the Assembly's presiding officer and the Welsh Government. These bodies have functions that are exercisable only in relation to Wales and that wholly or mainly do not relate to reserved matters. As such, they meet the tests for Wales public authorities that are already laid down in clause 4. We were happy to respond to the calls made by the Welsh Government and the presiding officer.

Finally, a number of Government amendments have been brought forward in response to issues raised in Committee in July. Amendments 3 to 8 address the issue raised by the hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts), who sought to insert into the Government of Wales Act 2006 separate statements on the permanence of the Assembly and of the Welsh Government. I committed to considering that further, and I am pleased to be able to bring forward amendments today to address the issue by ensuring that statements in clause 1 relating to the permanence of devolved institutions in Wales and the recognition of a body of Welsh law are inserted at the start of the Government of Wales Act 2006.

Amendments 9 to 12 and amendment 43 make changes to clause 6 to give the presiding officer rather than Welsh Ministers the existing power to propose varying the date of an ordinary Assembly general election by up to month, as well as the power to propose the date of an extraordinary Assembly general election. Those changes

will bring the position in Wales into line with the provisions in Scotland, where the equivalent powers to propose election dates have always been exercised by the presiding officer of the Scottish Parliament.

Amendment 13 similarly addresses an issue raised by the hon. Members for Arfon (Hywel Williams), for Dwyfor Meirionnydd and for Carmarthen East and Dinefwr (Jonathan Edwards) in the amendment they tabled in Committee. They sought to remove the requirement for statements made under the new section 111A of the Government of Wales Act 2006 inserted by clause 8 to be made bilingually. I committed to reflecting on that further with a view to bringing forward an amendment on Report. As those hon. Members rightly highlighted, both English and Welsh are official languages of the Assembly, and any statement made in the Assembly must already be reported bilingually as a matter of course. I am thus content that that does not need to be provided for specifically in the Bill. I am grateful to those hon. Members for raising the issue.

Amendments 19 to 22 amend clause 15 so that if the Assembly changes its name, any Welsh language references in the statute book to the National Assembly for Wales, the Commission or Acts of the Assembly are changed to reflect the new name. I am grateful to the hon. Member for Arfon for tabling similar amendments in Committee. I said then that I would consider the issues raised, and I am pleased to address them now with amendments 19 to 22.

The final issue raised in Committee which I committed to considering relates to the scope of the reservation that deals with civil and criminal proceedings. The hon. Members for Arfon, for Dwyfor Meirionnydd and for Carmarthen East and Dinefwr tabled an amendment to narrow the scope of reservation 6(1)(c), so that the current reference to "prosecutors" would be changed to "the Crown Prosecution Service". The intention was to make it clear that the Assembly would be able to specify devolved authorities such as local authorities as prosecutors for devolved offences.

In response, I said that it was not the intention to prevent the Assembly from legislating to make devolved bodies the prosecuting authority for particular devolved offences and that the current reservation achieved that. Nevertheless, I understood the hon. Members' concerns and agreed to consider the reservation further. Having done so, I have a number of concerns about narrowing or broadening the reservation.

First, replacing the current reference to "prosecutors" with a narrow reference only to "the Crown Prosecution Service" would not cover other reserved prosecuting authorities, such as the Serious Fraud Office. Secondly, it is likely that expanding the list to include a wider range of prosecutorial authorities would go further than we believe is necessary. Many of the authorities have functions beyond prosecution which could make reserving them more complicated. For example, the Serious Fraud Office both investigates and prosecutes cases, while for other authorities, including the Environment Agency, the Health and Safety Executive, and the Maritime and Coastguard Agency, prosecution is but one of a range of much wider functions.

Thirdly, a non-exhaustive list would be likely to preclude the Welsh Assembly from specifying appropriate authorities, as well as making the reservations longer and more unwieldy.

However, I understand the need for clarification and reassurance. Officials have therefore worked closely with key stakeholders, including the Attorney General's Office and the Whitehall Prosecutors' Group, to develop an amendment that clarifies the Assembly's powers while ensuring that the prosecutorial framework remains a reserved matter.

Amendment 26 retains the existing reservation's reference to "prosecutors", but makes it clear that that does not prevent the Assembly from making provision about responsibility for the prosecution of a devolved offence. That could include specifying who would have prosecuting authority for a devolved offence, or making provision for prosecutions of devolved offences to be subject to consent. However, if the Assembly wished to confer functions on a reserved authority in this regard, that would engage the consent mechanisms in paragraphs 8 and/or 10 of schedule 7B. I believe that the amendment achieves what the hon. Members for Arfon, for Dwyfor Meirionnydd and for Carmarthen East and Dinefwr are seeking in the most efficient way possible, without having a negative impact on the intention to legislate to support the Assembly.

I trust that I have persuaded Members on both sides of the House of the need for our amendments. Let me now deal with the Opposition new clauses and amendments. New clause 2, amendments (a) and (b) and amendments 1 and 63 to 65, tabled by the hon. Members for Newport West (Paul Flynn) and for Hyndburn (Graham Jones), would devolve legislative and executive competence to the Assembly to regulate the number of high-stakes gaming machines authorised by new betting-premises licences in Wales. They would also devolve legislative competence for betting, gaming and lotteries in Wales to the Assembly. Betting, gaming and lotteries are not devolved to the Assembly, and will be reserved subjects under the Bill. The Silk commission made no recommendations on their devolution, and the subject was therefore not considered under the St David's Day process, the thread of thinking that resulted from the Silk commission.

Graham Jones (Hyndburn) (Lab): The Minister mentioned the amendments that I tabled. Has he had representations from the Welsh Assembly and the Welsh Government? Has he followed the debate in the Welsh Assembly, and listened to Welsh Ministers' comments? Has he factored that into the equation? There certainly seems to be some interest in some devolution in Wales.

Alun Cairns: I have had representations from the Welsh Government, and we are happy to continue a dialogue in order to refine the reservations. However, amendments 63 to 65 would extend extremely broad powers in this regard. We do not intend to accept them, because we do not believe that devolving the wider competence to which they refer would be the right course. They were not raised by the Silk commission or in the St David's Day agreement. Nevertheless, in our usual pragmatic style, we are naturally happy to continue to discuss a range of issues. Indeed, the Bill has continually refined itself through its progress, from the Silk commission and the St David's Day agreement to the draft Bill, and thence to the stage that we have reached today.

New clause 3, tabled by the hon. Members for Newport West, for Arfon, for Dwyfor Meirionnydd and for Carmarthen East and Dinefwr, and new clause 10 and

amendment 67, tabled only by the Plaid Cymru Members, seek to probe the progress that the Government have made in implementing our commitment to devolve executive rail franchising functions. New clause 3 also seeks to press the Government to make a decision on whether to enable Welsh Ministers to invite public sector operators to bid for rail franchises for which they are the responsible franchising authority.

Christina Rees (Neath) (Lab/Co-op): Does the Secretary of State agree that changes in railway powers are needed to put Wales where it should be, on a par with Scotland?

Alun Cairns: Negotiations are ongoing on the devolution of the franchise and how it can be achieved. If we accepted the new clauses and the amendment, that would set the whole franchise process back considerably. It has already been advertised, and we are anxious to press ahead as possible with the aim of reaching an agreement with the Welsh Government to fulfil the franchise obligations.

Albert Owen (Ynys Môn) (Lab): The franchise would not change the Wales boundaries if we had a different model. We have a model in Wales, Dŵr Cymru Welsh Water, which is not for dividend, and which the Secretary of State fully supports. What is the difference between having our water run by a not-for-profit organisation, and having our railways run in that way?

Alun Cairns: A host of considerations, debates and discussions are taking place between the Wales Office, the Welsh Government and the Department for Transport, and we are conducting detailed negotiations over the franchise arrangements. We need to find suitable arrangements that will protect Welsh passengers and the accountability and responsibility of the Welsh Government, but let us not forget that that extends across the border. The Manchester-to-Cardiff line, for example, enters significant elements of England. The fact that a significant number of passengers will be domiciled or residing in English constituencies, and their right to seek redress through the parliamentary process, are details that we need to continue to discuss.

We are in a positive position with the Welsh Government, and I am anxious to continue on that basis. Accepting the new clauses and the amendment could undermine that positivity, and the franchising process. We intend to use other powers—under the Government of Wales Act 2006—to devolve franchising functions, in agreement with the Welsh Government. That would achieve many of the objectives that the new clauses and the amendment seek to achieve.

Nia Griffith (Llanelli) (Lab): Will the Secretary of State explain clearly to us what the difference is between a German state-owned railway running a railway in Wales and a public body in England, or a Welsh Government-supported public body, doing so over the border?

Alun Cairns: The hon. Lady will be fully aware that the rail franchise is a Wales and borders franchise, and that a significant number of passengers cross the border. The line itself crosses the border. It may well be the will of the Welsh Government to set up a state-run rail operation, but that clearly has implications for reserved or English matters, and the United Kingdom Government

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will want to protect both Wales and England in the process. Positive discussions are taking place about how we can best secure an efficient, effective, operating railway in Wales. The notices from the *Official Journal of the European Union* have already been issued, and, all being well, the franchise will take effect in April 2018.

Ian C. Lucas (Wrexham) (Lab): Is the Secretary of State really saying that it is OK for a German state-run organisation to run the railways in Wales, but not OK for a UK state-run organisation to do so?

Alun Cairns: I think that the hon. Gentleman is missing the point. If he has read the Silk report, he will recognise the complexities that even Silk has highlighted. In relation to those complexities, we are negotiating with the Welsh Government in a positive, constructive environment. The new clause and the amendment do not meet the technical requirements, because their provisions would effectively stop at the administrative border. As the hon. Gentleman knows, many of the trains running in and out of his constituency come to and from England. Accepting the new clauses and the amendment would not meet the criteria that he seeks to meet.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): Will the Secretary of State give way?

Alun Cairns: I will give way briefly, but I want to make some progress after that.

Stephen Doughty: The Secretary of State still has not answered the question. Does he not believe that, at the very least, there should be a level playing field? It seems that while a German company can run rail services in Wales, a United Kingdom company—let alone a co-operative or a partnership—would be prohibited from running the Welsh rail franchise.

Alun Cairns: The OJEU advert has been made for the franchise. Good progress is being made and we wish to continue in the spirit in which the Welsh Government have made that advert—in the delicate and sensitive negotiations taking place, in the positive, constructive environment that already exists.

6 pm

Nick Smith: Going back to the issue of financial controls and audits, I welcome the examinations in Wales of the economy, efficiency and effectiveness of sums paid out by the Welsh Consolidated Fund in Wales. That is a good thing. However, can the Minister confirm who will be responsible for audit studies and scrutiny of future large-scale projects where funds have been sourced from both Cardiff and Whitehall? I am thinking in particular of large-scale infrastructure projects that have got both Cardiff and Whitehall money.

Alun Cairns: The hon. Gentleman raises an important point. The adjustments to the auditing arrangements demonstrate the maturity of the organisation. Where the money from the Welsh Consolidated Fund is being used and is being spent, it is absolutely right that the Auditor General for Wales acts and scrutinises that. Where money is being used from UK departmental

funds and the Treasury, it is right for the Comptroller and Auditor General to scrutinise and develop that. I will happily look at further detail in the issues the hon. Gentleman raises about the potential of joint projects, and I will come back to him in due course. But these adjustments have been made at the request of the Welsh Government, supported by the Auditor General for Wales and accepted by the Comptroller and Auditor General. I hope the satisfaction of those bodies will satisfy the concerns in the relevant question that has been raised.

So we do not agree with the proposal, but, as I have mentioned, positive progress has been made between the UK Government and the Welsh Government on the franchising arrangements. Outstanding issues remain, and the Welsh Government and UK Government have been working over recent months to get to a position that works for all passengers and both Governments.

In amendment 2 the hon. Member for Newport West proposes devolving powers over the community infrastructure levy. I am pleased to see that uptake of the levy in Wales has made some progress with three charging authorities now collecting the levy—Caerphilly, Merthyr Tydfil and Rhondda Cynon Taff. It is a key objective of national planning policy in both England and Wales that local planning authorities plan positively for infrastructure needs. The levy is an important mechanism for securing funding for infrastructure. This amendment ties with the calls of the Welsh Government, but I can also see that in many ways it makes sense to have a unified development levy system across England and Wales. Complexities across borders can hinder investment. I am not therefore minded to agree to the amendment. Much of the argument behind the calls for it has been that the policy does not work for smaller authorities, of which there are many in Wales, but I would point out that Merthyr Tydfil and Caerphilly are two of the smallest authorities in Wales and they have made effective use of the community infrastructure levy.

Amendment 60 seeks to establish Wales as a separate legal jurisdiction, an issue that was debated extensively as part of the pre-legislative scrutiny of this Bill and in Committee. In its second report, published in March 2014, the Silk commission recommended that there “should be further administrative devolution in the court system”.

Nick Thomas-Symonds: On the issue of the separate legal jurisdiction, while it is obviously sensible with an emerging body of distinct Welsh law to monitor and review that going forward, does the Secretary of State agree that what we must be careful of with a separate legal jurisdiction now is imposing separate legal jurisdiction service requirements and other things that would lead to Offa's Dyke becoming a barrier to access to justice?

Alun Cairns: The hon. Gentleman has made an important point and contributed in Committee to that effect, which considerably influenced a number of Members who had raised questions and concerns as the issue was debated. The hon. Gentleman's expertise in this area should be well-heeded by those who want to see Wales flourish with a distinctive body of Welsh law, but who also recognise that the joint jurisdiction has worked and served well and effectively, and sends a clear message to potential investors and operators in Wales over the clarity and simplicity that is provided.

Many of the recommendations relating to administrative devolution in fact reflect the current position in Wales: the senior courts already sit in Wales, the administration of Welsh courts is overseen by HMCTS Wales, and court sittings are co-ordinated locally. The broader question of the case for devolving legislative responsibility was one of the key issues examined in the cross-party discussions under the St David's Day process. Members will be aware that, as set out in the St David's Day agreement, there is no political consensus to devolve justice. My party's 2015 election manifesto made it clear that we would continue to reserve justice and policing. The Government are fully committed to maintaining the single legal jurisdiction of England and Wales. It has served Wales very well. It is also our firm view that it is the most effective, efficient and consistent way to deliver justice.

Mr Mark Williams (Ceredigion) (LD): The right hon. Gentleman alluded to the Silk report, but Silk talks about the need to review the system. I appreciate the standpoint of the right hon. Gentleman and his party, but this is an evolving picture, and does that not necessitate the recommendation of the Wales Governance Centre's recent report that we should at least have a commission to look at these matters over a period of time?

Alun Cairns: I am grateful to the hon. Gentleman for the way in which he has made his intervention, but I would still underline the stability of the existing system and the certainty it provides. The title of the St David's Day agreement was "Powers for a purpose" and I am still seeking to understand what additional purpose would be provided to anyone living or working Wales should there be a separate jurisdiction.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): The Secretary of State pointed to the administration of the courts in Wales and HMCTS, which has of course recently decimated court service provision across many parts of Wales, including the magistrates court in Carmarthen. When he talks about the benefits of a single jurisdiction, is that what he has in mind?

Alun Cairns: The consequence, of course, would be to spend more money on public sector administration such as that. That would preclude the new innovations the Ministry of Justice is seeking to introduce, and new innovations clearly provide new opportunities. There is the opportunity for new services to be brought closer to communities, should we look at how we can enhance and make the system more efficient.

Ian C. Lucas: Will the right hon. Gentleman give way?

Alun Cairns: I will come back to the hon. Member, but I want to finish my point.

I would remind Members that the whole debate around a separate legal jurisdiction came as a consequence of the necessity test in the draft Bill. The necessity test has been removed and the consequence could be that that call and demand for a separate jurisdiction should therefore fall. However, it is almost as though it has taken on a life of its own, but I still question the purpose, because I am still trying to find out what difference a separate legal jurisdiction would make for

anyone living or working in Wales, other than uncertainty for investors when the reputation of the England and Wales legal system is recognised right around the world.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): But surely the purpose of a distinct legal jurisdiction would be the quality of justice provided in Wales, and at the end of the day this is the only legislature in the world which does not have a jurisdiction. This situation is crying out to be resolved, and if not now, when?

Alun Cairns *rose*—

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. I know the Secretary of State has a lot to tell us, but I am sure he is aware that quite a lot of other Members would also like to speak. Will he bear that in mind?

Kevin Brennan: On a point of order, Mr Deputy Speaker. If we are under a severe time constraint, I wonder whether you could tell us how long we have for this debate?

Mr Deputy Speaker: The debate has to finish by 7.57 pm. I call the Secretary of State.

Alun Cairns: Thank you, Mr Deputy Speaker. I will of course make swift progress, as you have requested.

Amendment 61 seeks to devolve legislative competence to the Assembly over Welsh language broadcasting and other Welsh language media. The Welsh language is a critical part of our cultural heritage in Wales, and the Government's continued commitment to Welsh language broadcasting is a key element of preserving the language. It is a source of great pride for me that S4C was established by a Conservative Government over 30 years ago, and I note the welcome from a number of stakeholders for the statements made by the BBC on the funding of the channel. This demonstrates our commitment to the Welsh language. The proposal is not recognised by stakeholders and operators in this field, and neither was it called for by the Silk commission or the St David's day agreement.

Amendment 66 would remove the requirement for the Assembly to seek the consent of UK Government Ministers for an Act of the Assembly that would modify the functions of a reserved authority if such an Act related to a Welsh language function. It is obviously right that the Welsh Government should have the freedom to act in the interest of the Welsh language, but it is also right that when those policies or obligations extend to reserved matters, a UK Government Minister should also approve them. This means that the UK Government have the responsibility to see the Welsh language protected in reserved areas too. That is not the sole preserve of Members of the Welsh Assembly; we all have a responsibility towards the Welsh language.

Amendments 68 and 69 seek to provide that future Assembly legislation altering the specification or number of constituencies or regions, or the number of Members they return, would be subject to agreement by a majority of Assembly Members rather than a super-majority. I think the hon. Member for Newport West is being rather mischievous in tabling these proposals, particularly in the light of the news—which Members heard about

[*Alun Cairns*]

today and which will be made public tomorrow—about the potential changes to constituencies that send Members to this place.

The Smith commission recommended a two-thirds majority for Scottish Parliament legislation seeking to change the franchise, the electoral system or the number of constituency or regional Members. This was provided for in the Scotland Act 2016 and the UK Government committed in the St David's Day agreement to implement the same arrangements for Wales. I believe that I have explained clearly why I cannot support the Opposition amendments and, on that basis, I urge Opposition Members to withdraw them in due course.

Paul Flynn: This is one of those occasions to which we return every four or five years, and I am afraid that we are doomed to do so for the foreseeable future, because this is not the final word. We are all grateful for the amount of consensus on the Bill. Its main features are progressive and they will introduce stability and a new dignity to the Assembly, which is winning more respect for its position virtually every time we debate these Bills. There is general agreement on these measures, and I thank the Government for being pragmatic and generous enough to accept a reasonable number of our amendments. I also welcome the Secretary of State's decision to appoint a young, thrusting MP as his new Parliamentary Private Secretary. It is nice to see that the spirit of giving youth a chance on our Front Bench has been extended to the hon. Member for Montgomeryshire (Glyn Davies) as well.

There is, however, a degree of timidity in the Bill. The Secretary of State's responses to several of my hon. Friends' points about Glas Cymru showed his failure to recognise the brilliant and unique initiative that was taken first at a meeting in this building and then honed elsewhere. It sounded too good to be true at the time, but it has recently celebrated its 15th anniversary. It has been going since 2001 and it has delivered all that it promised as a not-for-profit company that would pay dividends. It has delivered £1 billion to the Welsh economy every single year. It has also delivered below-inflation price increases, and by 2020, it will have done that for 10 successive years. Glas Cymru was hailed in 2001 by an international financial review newspaper as the best deal in the world, and it still is. We should celebrate that fact. It is still the only one of its kind; there is nothing else like it in the United Kingdom. On that basis, we hope to press new clause 3 to a Division.

6.15 pm

Kevin Brennan: My hon. Friend mentions Glas Cymru. Is it not the case that bringing a natural monopoly such as water or rail into a system of beneficial collective ownership—allowing it to borrow very cheaply against the guaranteed income streams to be found in public services of that kind—is the ideal way to run such a public service? Does he also agree that, in comparison, privatisation is highly inefficient?

Paul Flynn: I entirely agree with my hon. Friend. We hope to convince the Government to acknowledge the great value of Glas Cymru and to repeat that success with the railways.

Hywel Williams (Arfon) (PC): Another significant aspect of Glas Cymru is that it has been able to reduce its gearing and is now paying off its debts, whereas the debts of water companies elsewhere are geared to between 85% and 95% of their value. Glas Cymru's debt is now down to about 65%. That is another dividend for the Welsh people.

Paul Flynn: The hon. Gentleman makes a valuable point. This is a huge success story. Why are we not shouting this from the rooftops and trying to emulate it? We could do that in the very similar situation of the rail franchise. Members might recall the distinguished Member of Parliament, Robert Adley, who produced what was, to my mind, one of the best Select Committee reports in my time on railway privatisation. It was published in 1993 on a Wednesday but, sadly, he died on the preceding Sunday. He forecast all the weaknesses of the privatised system. That report, from a Conservative-dominated Committee, was approved unanimously by the Committee but not accepted by the then Government.

Ian C. Lucas: May I also point out the superb job that Glas Cymru has done on renewable energy, which I know my hon. Friend takes a great interest in? In Wrexham, it is developing anaerobic digestion as well as solar power at its Five Fords site. This not-for-profit company is creating a positive role for renewable energy in our community.

Paul Flynn: I warmly welcome my hon. Friend's point. Again, the Government are blind to the prospects for Wales in the area of renewable energy, particularly in hydro. We can rely on many factors, including the tide and the rain. Indeed, 2,200 MV of electricity are produced in Wales via hydro.

Stephen Doughty: I agree with many of the points that have been made, including those of my hon. Friend. I spent this weekend at the Co-operative party conference in Cardiff, where we discussed the many benefits of co-operative, mutual and non-profit solutions for running services such as these. Does he agree that in addition to cost benefits, the involvement of employees and users in the design of the services can also be beneficial?

Paul Flynn: The greatest part of the movement that my party has built on over the years is the co-operative movement and its great pioneers. It is a shame that we have not developed it more as a principle. Here, however, we have the opportunity to advance that principle in relation to the reality of the railways.

The purpose of the new clause is to remove the inappropriate restrictions on the exercise of Welsh Ministers' powers over the rail franchises when they are devolved next year. Let the Welsh Assembly be free to repeat the success of Glas Cymru. It has been agreed between the two Governments that Executive powers over Wales-only services will be transferred to Welsh Ministers. Once that has been achieved, it is important that they are able to operate the franchise in line with their policy priorities.

As things stand under the provisions of the Railways Act 1993, Welsh Ministers would not be able to open the franchise to public sector operators. Those restrictions no longer apply in Scotland, as was pointed out by my hon. Friend the Member for Neath (Christina Rees),

and there is no case for them to apply in Wales. If the power is devolved, there should be no policy restrictions on its exercise. It must be open to Welsh Ministers to maximise the effectiveness and efficiency of public transport in Wales, including ensuring that alternative models are fully considered and that new opportunities are seized. For example, if the Welsh Government want to open the Wales and Borders franchise to domestic public sector operators, that should be a matter for them.

Jonathan Edwards: I congratulate the hon. Gentleman on new clause 3—it is strong Plaid Cymru policy—but it is based on the assumption that the franchise will be devolved. There have been warm words in the past, but it is unclear from the Secretary of State's comments that that would actually be the case—hence my new clause 10. Does the hon. Gentleman know something that I do not? Will the powers definitely be devolved?

Paul Flynn: That is for the Government to say, but my understanding is that they will be devolved and that is the basis of new clause 3. Such a change took place in Scotland, where it was recommended by the Smith commission. It was agreed by the UK Government and legislated for in section 57 of the Scotland Act 2016, so if we look forward with optimism, the change will come about. The new clause would make equivalent provision for Wales. In short, there is no reason why the Railways Act's prohibition on public sector operators should apply to Welsh Ministers.

Looking at the reality of what is happening in Wales, over the last 12 years for which financial information is available, Arriva Trains Wales accumulated profits after taxation of £149 million and paid out dividends of £134 million. An average of 91.7% of profits were paid out in dividends each year, with over 100% being paid out in three of those years. Dividends accounted for a total of 11.9% of passenger income over the 12-year period, meaning that a not-for-dividend alternative to the current fiasco could result in a similar decrease in fares.

Furthermore, public funding through franchise payments from the Welsh Assembly Government far outstripped the passenger income of Arriva Trains Wales, amounting to 160% of the passenger income figure. Alternatively, it could be said that 8% of the huge taxpayer subsidy is paid out as dividends. That makes no sense. We are subsidising dividends and not lowering fares. In summary, a saving of 8% to the taxpayer or a fare reduction of almost 12% could be delivered by adopting a public ownership or not-for-dividend model. I hope that the Government will seize hold of that bold venture.

The separation of jurisdictions has been a matter of great discussion and I will not spend too much time on it as I think we are under time pressure. We have been grateful for the authoritative comments and deliberations. We are currently disinclined to support amendment 60, although we are sympathetic towards it. We were told that the Lord Chancellor and Welsh Ministers should keep the justice system under review with input from the UK Government's proposed official working group, so we proposed the appointment of an expert panel to advise them on practical legal issues. This should be a transparent and sustained road to a solution and is also the desire of the Welsh Government. We would like to maintain the suggestions made by my hon. Friend the Member for Llanelli (Nia Griffith) in the Bill's earlier

stages, but there is so much going on at the moment with Brexit and so on that it would not be sensible to make such changes. It would be rather like trying to change a car's pistons while the engine is running, so we will not support the amendment but we understand the need for change.

Hywel Williams: I am genuinely curious. Is the position just outlined by the hon. Gentleman also the position of the Government in Cardiff?

Paul Flynn: Yes. We are working in close harmony with the Welsh Government on most of the recommendations. There is a sensible consensus between the Welsh Government, the UK Government and most parties. That is the only way forward if we are to build trust in devolution.

Nick Thomas-Symonds: The point is that since most of the necessity tests have been removed from the Bill the issue of the separate legal jurisdiction has become less complicated. The position outlined by my hon. Friend about looking at this emerging body of Welsh law and finding a pragmatic solution is entirely sensible and appropriate.

Paul Flynn: I am grateful to my hon. Friend—we acknowledge his expertise in this matter. We will be looking for practical solutions. We hope that this subject comes up before the next Bill, but it guarantees the eternal nature of such Bills.

The Secretary of State described amendments 68 and 69 as mischievous, but I assure him that they are constructive and topical with Members having today gone through the trauma of the proposed constituency boundary changes. The proposals have brought anguish or joy to those of us who are looking forward to long careers in this House. As a late developer in politics and in life, I felt some anxiety that my career, which will reach its halfway point next year, could be cut short prematurely by the boundary changes, so I took some special interest in the matter.

The amendments propose changes to the methods used for deciding the number of Welsh Assembly Members. We have a crisis of democracy in this country. The mother of democracy has been degraded in many ways, a charge which comes from both sides of the House. People can buy their seats in the House of Lords through the acceptable practice of making donations to one of the three main parties. The Lords has 200 superfluous Members. Who said that? It was the new Speaker in the House of Lords. There is a case for immediate reform of that unelected place.

Problems also arise from other parts of our democracy. The hon. Member for Broxbourne (Mr Walker), Chairman of the Procedure Committee, made a powerful point last Thursday when he said that the planned move to cut the number of elected Members of Parliament was unjustified.

“while the Lords continues to gorge itself on new arrivals.”—[*Official Report*, 8 September 2016; Vol. 614, c. 502.]

He is absolutely right. We need to change our democracy in many ways.

Nick Thomas-Symonds: My hon. Friend is rightly highlighting that there the debate should be broader than just what is mentioned in the amendments. Does he

[Nick Thomas-Symonds]

agree that there is an enormous democratic deficit in pushing ahead with the constituency boundary changes when nearly 2 million people newly on the electoral register will not be counted?

Paul Flynn: It is the virtual disfranchisement of 2 million, so it is wrong on that basis. The timing is wrong.

Analysis of the boundary changes by Lord Hayward, a former Member of this House and Conservative peer, suggests that Labour would lose 13% of its MPs and that the Conservatives would lose 5%. Looking at the wreckage of our democratic system, which piece is being reformed?

6.30 pm

Christina Rees: Does my hon. Friend agree that there is also a problem because we will be losing our four MEPs soon?

Paul Flynn: My hon. Friend is absolutely right to say that there will be a gap there, and that was a change we did not know about. The Welsh Assembly, and partly this House, decided to have a progressive form of governing in Wales, where we recognise elements of proportional representation, although we do not welcome some of its results. It is right, however, that parties that gain 13% of the vote get 13% of the membership. We have an advanced democracy, as was voted for when the Labour Government set up the Welsh Assembly—the disgrace is in the Lords.

We know what would happen as a result of devolving to the Welsh Assembly the power to increase the number of Members. It would be a brave Assembly that did that in isolation, because adding more politicians is not the most popular thing. The only way this can be presented to the public is as part of a package deal; if the number of MPs is to go down, there would be a case for increasing the number of Assembly Members. Similarly, if the number of MEPs has decreased, a case that would be financially acceptable could be made. What is not acceptable is what the Government are doing now with a piecemeal reform of the only part of the democratic system that could be reformed to their advantage. We need an overall reform, cancelling the planned boundary changes and with the Government getting together with all parties to have a constitutional convention to clear up the nonsense of what is happening in the Lords and the disgrace of buying peerages. Even papers such as the *Daily Mail* condemned the decision of the last Prime Minister in his resignation honours—

Stephen Doughty: Will my hon. Friend give way?

Paul Flynn *indicated assent.*

Mr Deputy Speaker (Mr Lindsay Hoyle): It may seem pretty good to some hon. Members, but we are drifting a little from where we should be. I know we are encompassing everything we need to, but I do not want to open up a full-blown debate on the House of Lords.

Stephen Doughty: I agree with many of the points my hon. Friend has made about the democratic deficit we could be heading towards. He said that the boundary

review is to the Government's advantage, and clearly that is their intention. But it is clearly not to the liking of all those on the Government Benches, as we saw from some of the points of order and comments coming from Conservative Back Benchers last week. Does he agree that the Government might well be stoking up trouble on their own side with this democratic atrocity?

Paul Flynn: I am sure they will and they should concern themselves with that. Another Member made the point last week that by reducing the number of Members and not reducing the number of Ministers, the Government were strengthening the power of the Executive, at the expense of Back Benchers. This is a mess and it needs an overall root-and-branch reform.

Kevin Brennan: I do not like saying this, but I profoundly disagree with my hon. Friend on amendment 68, because it would be wrong to take away the requirement for a two-thirds vote among Assembly Members in order to change the numbers in the Assembly, but it should be a requirement to have two thirds of the people in this place vote to change the number of Members of Parliament. There is not even a requirement for any vote at all to change the number of Members in the House of Lords, because the Prime Minister simply appoints them.

Paul Flynn: My hon. Friend makes his point effectively, and I would like to pursue it if we were to go that way. My amendment was a device to make sure that we could discuss this issue, as it is a matter of major importance. As we know, the provision for a super-majority in the Assembly is not necessary, because it is almost impossible under the system we have for any party to get an overall majority; in effect, any constitutional amendment taking place in the Assembly requires the votes of more than one party. I am not going to press this amendment to a vote, but I would like the Government to react to it and realise that what they are planning in the boundary changes is a cheat, which they are carrying out for their own political advantages, and not for the benefit of democracy. We have a crisis in democracy and we are not going to solve it in that way.

I hope that my hon. Friends the Members for Hyndburn (Graham Jones) and for Swansea East (Carolyn Harris) will catch your eye to speak on the amendment about betting, gaming and lotteries, Mr Deputy Speaker. I warmly support that proposal, having had the experience of going on a visit where I saw one of these fixed odds betting terminals in my constituency. The people there kindly switched it off and let me use it without spending my money, but had I been spending my money, it would have cost me about £100 in the half hour I was there; this system is very addictive.

We are generally in favour of the amendments that we have from government, most of which were sensible and had been requested by the Welsh Government or Opposition Members. I hope, therefore, that we can continue in this constructive, co-operative and consensual spirit, in order to make sure that Wales is better served by this Bill.

Liz Saville Roberts: I rise to support amendment 60, which stands in my name and those of my Plaid Cymru colleagues, and relates to the creation of a distinct legal

jurisdiction. When the Wales Bill was re-announced in the Queen's Speech, the Government claimed it would offer a "strong" and "lasting constitutional settlement" for Wales. The Minister has keenly told us that this settlement will last a "generation", so it is a long-term devolution road map. But the Government's obsessive desire to retain a 16th-century relic of a legal system has increasingly called into question the idea that this devolution settlement will last any longer than its predecessor. The former Counsel General for Wales, Theodore Huckle, QC, put it bluntly, saying:

"across the common law world the creation of new legislatures has been coupled with the formation of a distinct legal jurisdiction. But not in Wales."

Furthermore, the Welsh Governance Centre's "Justice in Wales" report, released this morning, stated that

"the administration of justice will require continuing reform to accommodate increasing divergence between the laws and policies of England and Wales."

The Government's proposed piecemeal and fragmented approach to this issue will only cause greater confusion, weaken the ability of the Welsh legal sector to operate effectively and create the need for constant "tweaking" by the Government, as we have been discussing today. Surely the Minister can see it is only logical that if he truly wants a lasting devolution settlement for the people of Wales, as I do, the Bill must recognise the need for a distinct Welsh legal jurisdiction.

Despite the logic in a move to put Wales on the same footing as Scotland and Northern Ireland by giving us our own separate legal jurisdiction, we recognise the Government's concerns and want to work constructively with them.

Nick Thomas-Symonds: In the hon. Lady's last few sentences, she went from talking about a distinct legal jurisdiction to discussing a separate one. On a distinct legal jurisdiction, I certainly agree that there will be an emerging body of Welsh law. But if a separate legal jurisdiction were to be introduced, how would that not increase barriers to access to justice, given that on every single cross-border case—I can remember those as a barrister—there may have to be that additional requirement of serving cross-border? Surely she would not want her constituents to have to face that.

Liz Saville Roberts: I mentioned a separate legal jurisdiction, which is what Plaid Cymru would prefer, but we are prepared in this instance, as a compromise, to work towards a distinct one, as it would not create additional costs in the court structure in Wales and would not provide a barrier for the legal profession. It is important to say that although we are presenting a compromise, Plaid Cymru has used exactly the same words as those of the alternative Wales Bill provided by the Welsh Government. I note the official Opposition's announcement, whereby Labour in Wales has done a U-turn on this policy. We used these words very much with it in mind that we were trying to develop a spirit of compromise and agreement, as in Wales it was felt that this was necessary. When I address the official Opposition, I am genuinely curious to know who initiated this policy somersault: did it come from Welsh Labour or London Labour? We worked with a spirit of compromise in mind.

For this reason we are compromising and putting forward our amendment today calling for a distinct, as opposed to a separate, legal jurisdiction. A raft of leading constitutional and legal experts has outlined the cold hard facts about why a distinct Welsh legal jurisdiction needs to be created.

Nick Thomas-Symonds: I am grateful to the hon. Lady for her generosity in giving way again. In answer to the question, what happened is that the Bill has changed dramatically. The necessity test was all but taken out. That is what brought about the change. She is talking now about a distinct legal jurisdiction. Can she explain to us precisely what she means by that, and how exactly it would differ from the separate legal jurisdiction that I thought Plaid Cymru was advancing?

Liz Saville Roberts: I hope the hon. Gentleman will forgive me; I thought I had explained that previously.

Our proposal will require no extra court construction. We have the structures for justice in place already. What is proposed is a dividing of those court structures, as the amendments explain. This was recommended by a number of experts in these areas, including the Silk Commission and the vast majority of witnesses to the Welsh Affairs Committee. I must admit that on the Committee we almost felt that we were seeking witnesses to give an alternative view. The vast majority spoke in favour of a distinct or separate jurisdiction.

Mr Mark Williams: I agree with the hon. Lady's last comment, having served alongside her on the Welsh Affairs Committee. She mentions Paul Silk, who spoke about the need to review this matter within 10 years. The "Justice in Wales" report from the Wales Governance Centre referred to a standing commission. I think that was the view of the First Minister as well, when he announced the Bill that the hon. Lady mentioned. Given that there is an evolving picture, surely we should be monitoring it with a view to changing it in the near future? I may well share the final destination that she and her hon. Friends seek to reach, but there is a case for carrying people forward on the basis of experience over the next few years.

Liz Saville Roberts: I agree that we are seeing a gradual momentum in favour of the change. As I said earlier, if not now, when? We in Plaid Cymru feel that objections, rather than any real argument, are being cast up in front of us. We know that we are travelling on a trajectory. When will we reach the end point, without hindrances being thrown in our way?

Other advocates of our approach include Sir Roderick Evans, QC, the former High Court judge and pro-chancellor of Swansea University, barrister Rhodri Williams, QC, and solicitor Michael Imperato—greatly respected lawyers who felt so strongly about the issue that they created the Justice for Wales group. Further supporters were the constitutional experts at the Wales Governance Centre and the UCL constitution unit. Even the Lord Chief Justice of England and Wales, Lord Thomas of Cwmgiedd, whom I quoted in the last debate on the Bill, has spoken in favour of a distinct legal jurisdiction.

I know that many people in the Minister's party have spent the first half of this year telling us not to listen to experts, but I implore him to do so in this instance.

[Liz Saville Roberts]

He should drop the political and ideological obsession with a unified Welsh and English legal jurisdiction and take heed of the clear and logical advice of so many experts on this issue. With a new constitutional settlement, an increasingly divergent statute book, and Brexit set to change the shape of the UK, it is time for the Government to recognise the facts and the need for a distinct legal jurisdiction in Wales.

Chris Davies (Brecon and Radnorshire) (Con): I, too, sat through many Welsh Affairs Committee inquiries and lots of evidence from academics and legal experts on this matter. Yes, they all wanted a separate or a distinct legal jurisdiction, but the hon. Lady has not explained how it would work and, more importantly, how it would benefit the people of Wales to have a separate legal system.

6.45 pm

Liz Saville Roberts: If the hon. Gentleman will forgive me, the amendment goes into detail, even in relation to the court structures and the professional structures that would be required. I argue strongly that we are travelling on this trajectory, and what is important is the quality of justice and the quality of decisions made in Wales in relation to legislation made in Wales.

The Parliamentary Under-Secretary of State for Wales (Guto Bebb): My hon. Friend the Member for Brecon and Radnorshire (Chris Davies) asked a pertinent question: what are the advantages to Wales? The St David's Day agreement was about powers for a purpose. Has the hon. Lady read the fantastic article by Gwion Lewis in this month's issue of *Barn*, in which he highlights the way in which the Supreme Court met in Cardiff and made a decision in relation to Welsh language education in Denbighshire, a decision which I am sure the hon. Lady would welcome? What would a distinct legal jurisdiction have decided differently in that case?

Liz Saville Roberts: We would argue that a distinct legal jurisdiction is needed for the quality of decisions to be made consistently. We are travelling in that direction. We need clarity on the matter. To be simple about it and not to reiterate the details that are in the amendment, the Welsh Assembly is the only legislature in the world that does not have its own jurisdiction. That in itself is a pretty clear argument.

We offer the Government a pragmatic solution to the issue that will ensure the long-term sustainability of this devolution deal for the people of Wales. Obviously, Plaid Cymru would prefer to see a clean break, with the creation of a separate legal jurisdiction, but our amendment offers a reasonable position that I hope the whole House will recognise as necessary. For this reason, I will be pressing the amendment to the vote.

On the Government and Opposition amendments, new clause 4 stops the devolution of decision-making powers over when to hold elections for police and crime commissioners in Wales. As it is another example of this Government's shameful misunderstanding of what devolution means, we will not support this amendment if it is pressed to the vote, but we do not intend voting

against it. Government amendments 3 to 8 are uncontentious and technical, and warrant no further discussion at this point.

A number of Government amendments are based on recommendations made in July by the Presiding Officer of the National Assembly for Wales, Elin Jones. Plaid Cymru had tabled these amendment in earlier stages and we are pleased to see that the Secretary of State has now endorsed our position. We are disappointed, however, that the Government have failed to recognise the Presiding Officer's recommendations concerning the legislative consent process and the restoration of the Assembly's current ability to legislate in an "ancillary" way on exceptions from competence.

Amendments 9 to 12 give the Presiding Officer, rather than the Secretary of State, powers over when to call a Welsh general election. These amendments, based on the Presiding Officer's recommendations, are welcomed by Plaid Cymru and will be supported. We support Government amendments 14 to 18, which make changes to the finance provisions in the Bill. These are further examples of amendments proposed by the Presiding Officer which the Government have accepted. We also support the related consequential amendments, Government amendments 30, 31, 44, 48 and 51.

Amendments 19 to 22 laid by the Government insert the Welsh names of institutions into the Bill for clarity. These amendments are not controversial. Government amendment 26, which clarifies the ability of an Assembly Act to specify the prosecutor of an offence within devolved competence, is also based on the recommendations made by the Presiding Officer. I appreciate the Secretary of State's explanation of this clarifying amendment, which we support.

Plaid Cymru also supports Government amendments 28 and 29. Amendment 28 allows for changes to the role of the Children's Commissioner by the Assembly. Amendment 29 removes prohibition on the ability of an Assembly Act to modify sections 145 and 145A of the Government of Wales Act 1998, relating to examinations and studies by the Auditor General for Wales—again, a change suggested by the Presiding Officer. Government amendments 32 and 34 to 36 are technical changes or remove errors in the wording of the Bill. Government amendment 33 clarifies areas in which areas UK Ministers will retain authority. Although this is a technical change, we fundamentally disagree with the principle of this section of the Bill and will, if necessary, vote against the amendment.

Government amendments 39 to 42 increase the number of devolved bodies listed in schedule 4. We are pleased that the list has expanded, but the fact that the Government has had to expand it before the Bill is even enacted illustrates what Plaid Cymru has said from the beginning—that the Bill is overly restrictive and in the long term will inevitably become unworkable.

Amendment 43, tabled by the Government, allows Orders in Council to be used to make provision for proclamations related to the timing of elections, as provided for by amendments 11 and 12. As we support amendments 11 and 12, we will also support this amendment. Government amendment 49 is a technical change relating to the understanding of Wales public authorities. This amendment is not contentious. Government amendments 52 to 57 are either consequential or technical amendments. There is no need for comment on them at this time.

In conclusion, I look forward to the Secretary of State's response.

Nia Griffith: I rise to speak to new clause 3, on railways, and to amendment 2, on the community infrastructure levy.

Back in our Labour manifesto for the 2011 Assembly elections, we put forward the idea of exploring the possibility that a not-for-profit organisation should have the option to bid for the Wales and Borders rail franchise, in the same way that Dŵr Cymru Welsh Water is owned by a not-for-profit organisation. Giving the Welsh Government further powers over rail transport brings decision making closer to people in Wales. Currently, the provisions of the Railways Act 1993 mean that it is not possible for a public sector body to bid for the franchise, which limits the options. Yet, ironically, a German state-owned company can operate the very same franchise.

Alun Cairns: I hope I can provide clarity and be helpful. Many interventions earlier—and what the hon. Lady is alluding to—related to Glas Cymru. Can I clarify that Glas Cymru is a private company with no shareholders? Nothing precludes Glas Cymru, or a company such as Glas Cymru, from bidding for the franchise, because the Railways Act 1993 prevents just Crown local authorities or associated bodies from bidding.

Nia Griffith: I thank the Secretary of State for his clarification.

The Bill offers an excellent opportunity to give the powers I mentioned to Wales, giving us the same powers as Scotland now has under the Scotland Act 2016. I do not accept the Secretary of State's pretext for not accepting the new clause—that the time is wrong. This measure could be included in the Bill, whether or not sufficient time is available for bidding under any particular franchise timetable—the measure would be in the Bill, and it would be ready for whenever a new franchise timetable was put in place.

The Secretary of State has now clarified the point about Dŵr Cymru, which, of course, does serve customers in England—we need to remember that. I am sure that a Welsh-operated rail service could equally do so, whether operated by a public body, a not-for-profit organisation or a private company.

The Welsh Government have a strong track record of supporting rail services, from strengthening the Loughor bridge so that the dual track could be restored to ease congestion, to improving the valleys lines and pushing for electrification; supporting improvements to stations and surrounding areas, including integrated transport hubs, and developing plans for the Cardiff metro—not to mention supporting the Heart of Wales line, with exciting plans now to link the line to community regeneration, and looking at the feasibility of reopening the Carmarthen to Aberystwyth line. We now need to drive forward further connectivity across the Swansea Bay city region by improving services to and from Llanelli, Burry Port and Kidwelly and by developing the Swansea 9 lines services in the valleys around Swansea. I very much hope that the Secretary of State will rethink and will give the Welsh Government full powers and full options to look at every possibility for allowing not-for-profit companies, publicly owned bodies and so forth to bid for railway services in Wales.

On the community infrastructure levy, planning matters are wholly devolved, so it makes sense that the community infrastructure levy should be devolved too, given that it is an integral part of planning. The Secretary of State makes the point that developers could be put off by differences. Well, there are already some differences. The same argument was used against devolving building regulations, but they have now been devolved. It is up to the Welsh Government to think through whether particular differences will be a disadvantage or an advantage to Wales. Having the powers does not necessarily mean that they will have to make things different for the sake of being different; it is a discretion that is there to be used. It is crazy not to devolve this power when the CIL is so much part of the planning system.

Chris Elmore (Ogmore) (Lab/Co-op): I declare that I am a county borough councillor in the Secretary of State's constituency, although I do not receive an allowance for that. I can speak ad nauseam about the CIL, having served as a councillor for the last eight and a half years in the Vale of Glamorgan. There is a clear line, and I hope my hon. Friend will agree. In terms of planning controls and building controls, but specifically around the CIL, there are already differences, as she mentions, by county borough. In certain counties, such as the one I represent as a councillor, the CIL is significantly higher than, for example, in the one represented by my hon. Friend the Member for Merthyr Tydfil and Rhymney (Gerald Jones). Surely it makes absolute sense to have that devolution so that the Welsh Government can set priorities with Welsh local government, rather than relying on the Department for Communities and Local Government.

Nia Griffith: Indeed, my hon. Friend is absolutely right—we have the explanation from the horse's mouth, because he had to deal with this practically, in his everyday business, before he came into this place. I hope the Secretary of State will look again at this and consider very seriously the devolution of powers over the community infrastructure levy to the Welsh Government.

Carolyn Harris (Swansea East) (Lab): I stand to speak to new clause 2 on fixed odds betting terminals. I welcome this amendment to the Wales Bill to confer legislative competence on the National Assembly for Wales to enable it to address the issue of FOBTs in Wales.

As Members will know, I have a long-standing concern about the growth and proliferation of FOBTs across the United Kingdom, and especially in Wales, as the Member of Parliament for Swansea East. That concern is shared by many in Parliament, and that has led to the formation of an all-party group on fixed odds betting terminals, of which I am proud to be the chair. The group is running an inquiry into FOBTs to assess their impact, and we will report to the Government early in the new year.

The new clause would confer legislative competence on the National Assembly for Wales to enable it to address the issue of FOBTs in Wales. That follows the adoption by the Welsh Assembly last year of a Back-Bench motion, supported by Members of all four parties then represented in the Assembly, calling attention to the social problems arising from the increase in gambling, and calling for consideration to be given to devolving responsibility over this matter to enable the Assembly to address it effectively.

[Carolyn Harris]

The new clause is to be welcomed because it will add some additional control over FOBTs located in all new betting premises in Wales. Given the current low level of regulation surrounding FOBTs, any additional regulation is to be welcomed. The new clause would also, rightly, give Wales parity with Scotland in relation to FOBTs—there is no reason why there should be greater protection of the vulnerable in Scotland than in Wales or, indeed, in the rest of the UK.

However, while the new clause is a useful first step, it does not go far enough in protecting vulnerable communities and high streets in Wales. In particular, it is not retrospective, so it could enhance the value of current betting shops and will not limit the current proliferation of bookmakers and FOBTs. Instead, it will create a protected monopoly of existing betting shops. Moreover, the proposal could be challenging to implement on competition grounds, since it will alter the composition of new betting shops as opposed to current ones. How we implement the new powers in the Bill would also be a question to consider.

Many have reached the conclusion that the only effective way to tackle the problem of FOBTs is to reduce dramatically the stake that can be wagered on these machines from its current level of £100. That has not been addressed in the new clause, and it is the size of the stake that many see as the real issue with FOBTs.

There will be a “Panorama” programme tonight on this very issue, which will expose the problems that these machines are causing and the need for far more stringent regulation of them. I urge all Members of the House, if possible, to watch the programme. Nevertheless, I support the new clause as a first step.

Albert Owen: I want to concentrate my remarks briefly on new clause 3 and the rail franchise. What the Secretary of State has just said to the House about Dŵr Cymru is very helpful, so I will not go over that. However, it is important that the powers are devolved to the Assembly when these franchises come up. The Government have not got a good record when it comes to franchises for Welsh railways, and we saw the debacle with Virgin Trains. When the Wales and Borders franchise was set up, it was clear that responsibilities would lie within Wales. This very simple new clause is asking that the Assembly have the powers to ask publicly owned bodies to bid for the franchise. Let us not forget that the north-east coast railway was taken in-house when it got into trouble. There is already a facility within government for publicly owned running of railways. The new clause would give the Welsh Government the opportunity to put it out to franchise so that the excessive profits that have been made by Arriva trains are reinvested for the public good in Wales. That would be a positive step forward.

7 pm

Hywel Williams: I agree entirely with what the hon. Gentleman is saying. Is he, as I am, intrigued by the Government's opposition, because it is clearly not ideological? They are happy for a state-owned company from Germany to run railways in Wales, but not for a state-owned company, or a co-op, from Wales to run them in Wales. It feels a bit like—malice, possibly?

Albert Owen: I did not understand the rationale of the Government when the Secretary of State tried to explain that earlier. Not only are German national companies operating, but UK publicly owned companies have been running the east coast line through the Department for Transport. It is a logical step to allow the Welsh Government to follow the same principle in offering this opportunity to publicly owned companies for the benefit of customers.

Let us be honest about our railways: this was a privatisation too far in the 1990s. It was rushed and it has not been working. We do not have privately run companies; we have an awful lot of public money subsidising private companies from across the globe, not just from this country. The new clause asks that the Welsh Government take responsibility and that moneys—profits—that are made are not paid in dividends to large shareholders but reinvested for the good of the customers in Wales. Let us give the Welsh Government the opportunity to be bold and radical, as they have been with water, and to put passengers first.

Hywel Williams: I rise to speak to amendments 61 and 66.

Amendment 61 seeks to devolve Welsh language broadcasting and Welsh language media to Wales. There is currently a discrepancy in that the Welsh Government have powers over the Welsh language but no powers over S4C—Sianel Pedwar Cymru—or Welsh language media, including radio and some print media. The Welsh language media are of great cultural, economic and linguistic importance to Wales. In his report on the creative industries in Wales, Professor Ian Hargreaves argued that the level of public debate about S4C was not in line with its importance, both culturally and economically, and asked whether this was

“a consequence of the fact that S4C is funded...largely...from London”.

It is all very quiet, possibly because the money is coming from London—or was at that time, at least. Further, he said:

“The UK authorities involved (Ofcom and DCMS) lack the instinct and self-confidence to animate this uniquely Welsh debate and the Assembly Government lacks the formal mandate.”

This is the basis of my argument.

S4C and its service have endured a difficult period of financial instability following last year's autumn statement, when the then Chancellor announced cuts to the S4C grant from £6.7 million to £5 million by 2020. The first year of those cuts has been reversed, but only the first year. Last week we were told that the BBC Trust intends to freeze S4C's funding from now until the end of the current licence fee agreement in 2022. This was portrayed in the media as a victory for the industry, with stability achieved, but it is a cut in real terms. With the proposed review of the funding and governance of S4C, and the BBC charter up for renewal in 2017, the future of the Welsh language channel still remains mired in uncertainty. The UK Government may have an agenda to cut funding for broadcasters in the long term. That is indeed a matter for the UK Government, but why should people in Wales be bound by decisions in London regarding media platforms that, by definition, operate through the medium of one of Wales's official languages? Of all matters, this is surely one that most clearly pertains to Wales.

Guto Bebb: The hon. Gentleman represents a constituency with a number of television producers who produce television programmes for S4C. Can he name a single one who has asked for S4C to be devolved to the competency of the Welsh Assembly?

Hywel Williams: No, of course not. This is Plaid Cymru's policy and this is the argument that has been made by various highly respected academic commentators, and others for that matter. *[Interruption.]* The Minister starts from the business end; I start from the governance end. The governance of S4C and how it should be regulated should be a matter for the Welsh Government. The argument is in the nature of the beast. It is S4C—Sianel Pedwar Cymru. It is broadcasting in Welsh in Wales: why should not the Welsh Government have responsibility? The case is unanswerable.

Paul Flynn: The hon. Gentleman is surely aware of the extraordinary genesis of S4C. If not, I would like to spend an evening with him going over the convoluted actions that took place. We have S4C because Mrs Thatcher was reading Irish history at the time when Gwynfor Evans was promising to fast to death. There was a long and honourable battle, with the sacrifices of young people in Wales, to gain S4C. We cannot complain, as a nation, about the way it has been funded since its genesis.

Hywel Williams: I agree entirely that it has been very generously funded, and funded without very much review for 25-odd years until fairly recently. *[Interruption.]* Indeed—and then what happened? The hon. Gentleman asks whether I am aware of the genesis of S4C. Let me say clearly that I have the conviction to prove that I am very well aware of what happened during that period. I think I had better leave it at that.

Liz Saville Roberts: I am sure that my hon. Friend agrees that S4C's funding has resulted in it currently running more than 50% repeats, which is not satisfactory.

Hywel Williams: The television landscape has certainly changed enormously. Many broadcasters are now running a great number of repeats. The point about Welsh language television is that it has a purpose beyond just providing entertainment, or even informing or educating: it is there as part of the national project to sustain, speaking in dramatic terms, the rescue of the language.

Guto Bebb: I cannot allow the slur from the hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts) to go unresponded to. A significant proportion of the repeats on S4C are children's programmes. As the father of five children, I am aware that the more repeats there are, the more they enjoy them.

Hywel Williams: Responding also as the father of five children, I would say that repeats of "Cyw" are very popular in my house.

The report of the Institute of Welsh Affairs, "The UK's Changing Union", called for full responsibility for S4C to be transferred to the National Assembly and thus to the Welsh Government. Plaid Cymru Members are of the firm belief that Wales should have full control over a channel that belongs to and serves the Welsh people. We should determine its future. The Secretary of State said last week that he will continue to do

everything he can to ensure the channel's continued success, and I take him at his word—I am sure that he meant it very sincerely. Conservative Members claim to have devolution at the core of their world view. "Cut out the mandarins!", they cry. "The user", or the customer even, "is king—take it as low as it can go—and not those dratted men in Whitehall." If so, is not the control of a medium that serves Wales and Wales alone best placed in the hands of the people that it serves? I look forward with interest to hearing the Secretary of State justify this peculiar inconsistency on the issue.

Amendment 66 was tabled following concerns expressed to us by the Welsh Language Commissioner regarding the Bill's potential effect on the National Assembly's powers to legislate on matters pertaining to the Welsh language. A possible effect of schedule 2 is that should the National Assembly wish to legislate for the Welsh language, it would require the consent of the relevant UK Minister to confer, impose, modify or remove within that legislation the Welsh language functions of Ministers of the Crown, Government Departments, and other reserved authorities.

Under the current settlement, ministerial consent is required only when legislating to impose Welsh language functions on Ministers of the Crown. The ministerial consent provisions of the Wales Bill in relation to the Welsh language appear to apply to a wider range of persons than is currently the case, which would be more restrictive. I would be interested to hear the Secretary of State's explanation or justification for that.

Let us consider a practical example. The Welsh Language Commissioner has already engaged in the statutory processes that would result in placing a duty on bodies such as Her Majesty's Revenue and Customs, the Crown Prosecution Service, Ofcom and the BBC to adopt Welsh language standards. Our amendment would remove the requirement for ministerial consent for Acts of the Assembly affecting functions of reserved authorities, public authorities and Ministers where the Act of the Assembly relates to a Welsh language function. I am sure that the House will agree that that provision is fair and reasonable, given that the Welsh language is, quintessentially, a devolved issue.

Guto Bebb: I suspect that I can offer clarity and reassurance on this issue. There is nothing in the Bill that will affect the Welsh language retrospectively. For example, any standards imposed on a public body as a result of the Welsh Language (Wales) Measure 2011 will still be imposed by the Welsh Language Commissioner, with no effect as a result of changes in this Bill. If a future Welsh Language Measure were to be proposed, then it would have an effect, but that takes us back to the issue of democratic accountability. After all, the Welsh language is not only the language of Wales; it should also be the responsibility of this House. On the hon. Gentleman's concerns, there is nothing in the Bill that will affect the 2011 Measure and the way in which standards are imposed under it.

Hywel Williams: I accept that the Minister sincerely holds that view. I am reflecting on the arguments put forward by the Welsh Language Commissioner.

Guto Bebb: I met the Welsh Language Commissioner in August. We have subsequently written to her, highlighting the fact that the concerns raised in relation to the

[Guto Bebb]

operation of the 2011 Measure have no grounds. In other words, the 2011 Measure is not affected by the Bill. There will be an impact if a subsequent Welsh Language Measure is passed by the Welsh Assembly, but it does not affect the way in which the legislation—

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. In fairness, I let the first one go on far too long. If you do not want to sum up at the end, do not try to sum up halfway through. Interventions have to be short. There are still another three speakers to come. I am very tolerant, but I am being tested.

Hywel Williams: Thank you, Mr Deputy Speaker. This matter will probably be addressed again when the Bill goes to another place. Perhaps we could have some discussions with the Welsh Language Commissioner in the meantime, to see whether her concerns are still justified.

Albert Owen: The Under-Secretary has said that the Welsh language belongs to this House as well as to the Assembly, so is the hon. Gentleman as concerned as I am that we are unable to conduct debates through the medium of Welsh?

Hywel Williams: That is a very interesting and pertinent point. Welsh, of course, is a British language. I will regale the House, if I may, with a point that surprised the predecessor of the hon. Member for Torfaen (Nick Thomas-Symonds) when I made it in the House some years ago when he was having a go at me about my Welsh language enthusiasms. I told him that English is also a Welsh language, which promptly shut him up.

I will turn briefly to Government amendment 13, which removes the requirement for a statement by the Presiding Officer to be made in both Welsh and English. As has already been said, the Assembly's legal requirements and Standing Orders already require statements to be bilingual, so the amendment removes duplication and I am glad to welcome it.

On amendments 63 to 67, amendment 1 and new clause 2, we would welcome the devolution of gambling, betting, lotteries and the associated licensing. The hon. Member for Swansea East (Carolyn Harris) has done a great deal of work on the issue and I commend her for it. By devolving responsibility for those issues, I am sure we will be able to create solutions that really fit the needs of the people of Wales.

I hope, of course, for a complete capitulation on all those matters by the Secretary of State, but if, unaccountably, he is not that way inclined, I look forward to his comments later this evening or to whatever he would care to correspond with me about by letter. I will not, therefore, seek to divide the House.

Gerald Jones (Merthyr Tydfil and Rhymney) (Lab): I am pleased that this Bill has come to the House; I, too, sat through many Welsh Affairs Committee sittings. I support new clause 2 because, if agreed, it would allow the Welsh Assembly to take action on fixed odds betting terminals. I want to place on the record my membership of the newly established all-party parliamentary group

on FOBTs, and my support for the comments of its chair, my hon. Friend the Member for Swansea East (Carolyn Harris).

7.15 pm

FOBTs let people play a variety of games, such as roulette, and they have long been a cause of concern because of the potential for users to lose large sums of money on them. The machines take bets of up to £100, with a maximum delay of 20 seconds between bets, meaning that users can make heavy losses in very short periods of time. There is a widespread view that the maximum stake of £100 is far too high. No other country in the developed world has £100-stake machines, other than in highly supervised casino environments.

Right hon. and hon. Members will have heard these machines described as the “crack cocaine of gambling” by those who work with addicts. The number of machines has grown steadily. Last year, there were some 1,500 of them in Wales. Each betting shop can have up to four of them, and according to Living Room—a Cardiff charity that helps gambling addicts—an estimated £1.6 billion was staked on FOBTs in Wales last year.

Of course, many millions of people partake in gambling, whether by buying a lottery ticket or by betting on the grand national, but for many people gambling can become a very serious addiction, which can threaten a person's relationship, their livelihood and, in some cases, their life. According to the charity GamCare, the number of people receiving treatment for gambling addictions has risen by 39%, and the number of people who have problems as a result of playing on FOBTs represents 26% of those people who are in contact with the charity. The number of calls from people addicted to FOBTs has gone up by 50% over the past five years.

There is mounting evidence that it is those people who use FOBTs who are most at risk of problem gambling. The Gambling Commission has concluded that

“while gaming machines appear to appeal to many gamblers, they seem to be particularly attractive to those at risk of problem gambling and to those with a gambling problem. Compared to non-problem gamblers, problem gamblers tend to play on gaming machines more frequently and spend more time and money on them.”

It causes me huge concern when I read reports that the number of betting shops with FOBTs is twice as high in the poorest areas of the UK—socially deprived communities—and that a disproportionate amount of the money gambled in them comes from people on low incomes. The Campaign for Fairer Gambling has found that FOBTs have

“the highest ratio of use by the lowest income...gamblers”

and

“the second highest ratio of use by unemployed gamblers”.

One gambler, who was left with debts of £17,000 as a result of using these machines, has described them as

“by far the most addictive form of gambling that's easily accessible to anyone. I could lose £80 in one night on fruit machines, but with a FOBT you can lose that in literally seconds.”

He added that

“people don't understand how addictive these things are, they are worse than cocaine and alcohol. You get lost in your own little world and have tunnel vision, nothing matters only that next spin whatever the consequences.”

Regrettably, despite the evidence of the real harm that these machines pose, and of the need for tougher regulation and support for users, the UK Government have not shown leadership and have so far refused to act against them. The only real regulation is that the machines are limited to four per betting shop.

We would take a step forward this evening if we supported the new clause and devolved power to the Welsh Assembly, to enable it to tackle the issue. The Assembly could decide to follow the advice of the Campaign for Fairer Gambling, which has recommended reducing the number of machines per shop from four to one, as well as reducing the maximum stake that a user can place.

As my hon. Friend the Member for Swansea East said, the Assembly has already called for powers: last March, it passed a motion calling on the UK and Welsh Governments to work together to devolve more powers over the licensing of gaming machines. It is right that decisions on how to tackle FOBTs are taken in Wales, as is the case in Scotland, and the new clause and associated amendments will allow the Assembly to take a lead in addressing the challenge of problem gambling, which is so associated with those machines. I therefore ask Members to fully support new clause 2.

Jonathan Edwards: Diolch yn fawr iawn, Mr Deputy Speaker. Amendment 67 and new clause 10, which are in my name and those of my parliamentary colleagues, would put the devolution of the Wales and Borders franchise clearly in the Bill, fulfilling the UK Government's promise to do so. Before I get into my speech, may I say that I will gladly not say a word if the Secretary of State or the Minister intervenes to say that they will proceed with that promise and if they outline the legislative vehicle whereby these powers will be devolved to Wales?

Alun Cairns: We are negotiating with the Welsh Government over the use of a transfer of functions order under the 2006 Act.

Jonathan Edwards: The Secretary of State is telling us that he will introduce a statutory instrument once the negotiations are complete. In that regard, I will not be pressing the matter to a vote. I am glad that it is now on the record that he will keep that promise, which was made to the people of Wales in successive statements in the House by the former Prime Minister. Many people in Wales are slightly confused about why the promise has not been included in the Bill, but that is positive news, so I will cut my speech in half.

I would, however, like to raise an associated point about the way in which the franchise may be altered—or, to put it another way, butchered—by siphoning off the more lucrative routes. The Secretary of State is fully aware that those lucrative routes are very valuable to the franchise. The Welsh Government have to put in a huge subsidy, as I understand it, and £700 million was paid between 2011-12 and 2014-15. If those routes are taken away from the franchise, the public subsidy paid by the people of Wales for that franchise will increase significantly.

Mr Mark Williams: The hon. Gentleman makes an excellent point about the finances of any such butchery, as he describes it. Does he agree with the great concern of several of my constituents about the impact of that

butchery more generally in west Wales on well-established long-distance trade routes between Aberystwyth and Birmingham International or Manchester?

Jonathan Edwards: The hon. Gentleman makes a valuable point. That is why the franchise was constructed as it was, and it would be a travesty if the more lucrative routes were taken away. In his summing up, I would be grateful if the Secretary of State alleviated some of those fears.

Now that the Secretary of State has responded positively to some of the main issues that I wanted to raise, I will quickly turn to some of the other amendments in the group—two tabled by the Official Opposition, and the other by the Government—before I conclude. Plaid Cymru welcomes amendment 2, which would devolve the community infrastructure levy. As the hon. Member for Llanelli (Nia Griffith) said, it is associated with local government functions, and it makes total sense to synergise that levy in a devolved context. If the Labour party decide to press the amendment to a vote, we will support it.

In many ways, the principle behind amendment 2 is the same as that behind the Government new clause on the police and crime commissioner elections: because those elections are reserved, it is necessary to put that in the Bill. Amendment 2 clearly concerns something that is associated with a devolved function. I ask the Secretary of State to reconsider his position, if not today, then when the Bill is debated in the other place.

New clause 3 would remove restrictions in the Railways Act 1993 on certain public sector bodies bidding to operate a rail franchise in Wales. That is a long-standing Plaid Cymru policy. Many Labour Members, not least the shadow Secretary of State for Wales, have made powerful speeches about it, and when the time comes for a Division on the new clause, Plaid Cymru will support it. Based on what the Secretary of State said in his intervention, the new clause is not premature. It is pertinent that we make progress on it, and we will support the Labour party in the Division Lobby later.

Lastly, Government amendment 27 is a technical change relating to the wording around nationally significant infrastructure projects, and we see no reason to oppose it.

Susan Elan Jones (Clwyd South) (Lab): It is a great pleasure to follow all the hon. Members who have spoken so far. As a child, I was intrigued to discover that it took an elephant two years to give birth, because that always struck me as a rather long time. So it seems with the Wales Bill, too, but it is good to be here at this stage of the journey.

I rise to speak in support of several important but practical new clauses and amendments, including amendment 1 and new clause 2 on fixed odds betting terminals. After the moving speeches by my hon. Friends the Members for Merthyr Tydfil and Rhymney (Gerald Jones) and for Swansea East (Carolyn Harris), I think many of us will feel genuinely fired up about the idea of transferring that power to the National Assembly. This is a power that can change people's lives. This is a power that can do something about the addictive potential of these machines. I very much hope that amendment 1 and new clause 2 are successful.

[Susan Elan Jones]

I support, too, amendment 2, which would transfer power over the community infrastructure levy to the National Assembly. That will create closer links between planning and infrastructure, and it is a good and sensible place for the levy to be devolved to.

Many of my colleagues, including my hon. Friend the hon. Member for Llanelli (Nia Griffith)—my good friend—spoke in great detail about the new clause on railways. It is totally incongruous. It is a case of “Don’t mention the Germans”, a bit like John Cleese in “Fawlty Towers”. It is extraordinary that the Germans can run our trains, and yet public bodies in Wales do not have the right to bid for the rail franchises. Quite frankly, that is ludicrous.

I would like to make a point about amendment 61 on Welsh language broadcasting, because I am a bit sympathetic towards this. My hon. Friend the Member for Newport West (Paul Flynn) is the author of “How to be a Backbencher”. Now that he has a lot of good colleagues on the Back Benches, he can expect us to have read his book with great care. One of the things that good Back Benchers do is to make independent and pertinent points from the Back Benches.

It is somewhat peculiar that the power for the Welsh language is devolved—as it should be—to the Welsh Assembly, but that that is not the case for Welsh language broadcasting. Of course, S4C and many media organisations would be concerned about the proposal, because of the way in which the funding goes to the fourth channel through the licence fee, and I accept that there are practical difficulties with this. It is not that surprising that colleagues from Plaid Cymru—who, after all, want to devolve the whole of Wales—want to devolve this power, but some of the points made by the hon. Member for Arfon (Hywel Williams) on the matter were very pertinent.

This issue goes back to the last Parliament and the whole business of how S4C funding was dealt with, when a Minister from the Department for Culture, Media and Sport came to the Select Committee to tell us that he had never seen S4C but he had heard of Fireman Sam. To be perfectly honest, we must never go back to that shambles. We must never go back to a situation where there is no collaborative working between us in this House and the Welsh National Assembly. What happened in the last Parliament was not on, and it should never, ever be repeated.

I know that we have all enjoyed the Wales Bill and its numerous sittings. I was intrigued to remember that St David said “do the little things.” In fact, he did not say exactly that; he said,

“do the little things that you have seen me do”,

but I have often thought that if he had just said “do the little things”, it would have been very appropriate for us Members in this House going through the minutiae of the Wales Bill.

7.30 pm

This Bill has been finished, we hope, and will now move on. However, as we consider devolution in the future, let me make a plea for us to remember that it is an ongoing process—I am not the first person to say so—and that we must see how it develops. For example, let us take the case in the past week of north Wales local authorities speaking of increased devolution to north

Wales, with tax-raising and other powers. At its heart, devolution has to be relevant, and to be relevant it has to be relevant to every part of Wales. Its relevance comes with its practical application. I take great pride in the fact that the local authority leaders of north Wales, which include Labour, independent and Plaid leaders—I think I have got all the combinations right—are all very committed to that happening. We may have said goodbye to the Bill for today. We

“say, good-bye—but just for now!”,

as Dylan Thomas might have said. However, the process goes on, and how we deal with that will be pivotal in the future. That is why the north Wales devolution ideas should be part of that process.

Mr Mark Williams: Thank you, Mr Deputy Speaker, for calling me as, I think, the last speaker on the first group of amendments. This Report stage has been characterised by rather more interest—

Jonathan Edwards: Apart from among the Tories.

Mr Williams: Indeed. There is increased enthusiasm for the Bill, comparing attendance on Report with that in Committee, at least on the Opposition Benches.

I very much concur with the hon. Member for Clwyd South (Susan Elan Jones) on what she said about the particular relevance of some of the amendments, not least the one on betting terminals, amendment 1, as well as new clause 2. A big overarching issue with such Bills is sometimes the question: how is devolution relevant to my life? If there ever was an amendment that would have direct relevance to how people live their lives and are able to be supported in their lives, it is that amendment.

New clause 3 on rail franchising is another such amendment. The hon. Member for Carmarthen East and Dinefwr (Jonathan Edwards) kindly allowed me to intervene on that point. Whether we have the capacity to control the rail network from Aberystwyth to Birmingham International airport will have a direct effect on my local economy, and prove a great convenience or inconvenience to many of my constituents. Such important issues are about making devolution relevant, and about making important decisions that are relevant at the most appropriate level. I therefore very much support at least those two amendments.

I want to say a few words about amendment 60, tabled by the hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts), whom I consider a friend. She serves with great diligence on the Welsh Affairs Committee. Of all the issues we looked at during pre-legislative scrutiny of the now infamous Bill, which had so many flaws, the issue that gained most prominence was that of distinct or separate jurisdictions. The Members who have asked what that actually means should look at the amendment in detail. Indeed, they should also look at the excellent report that the Wales Governance Centre has produced today, which gives a clear indication of why this issue is important.

I happen to share, as does my party, many of the aspirations of my Plaid Cymru friends, but my hesitancy on amendment 60 is about the timing. The executive summary of the Wales Governance Centre report, which is very timely, says that

“the administration of justice will require continuing reform to accommodate increasing divergence between the laws and policies of England and Wales.”

That is a fact. Twenty-four pieces of legislation were passed during the last Assembly term, and there is a growing body of Welsh law that requires attention.

Sadly, the Government have shut the door on the issue. They set up a joint working group. I have seen the terms of reference, but I have not seen any report from the group. We do not know how the meetings have been undertaken, what the outcomes will be or what the outcomes will feed into in the future. That is why I look back with some regret to the Committee stage, during which an amendment calling for a commission on justice in Wales was rejected. As such divergence evolves and a body of Welsh law—it is recognised in this Bill, to the Government's credit—emerges, there will be nowhere for it to go, which is why the idea of a commission was so important.

My problem with amendment 60 is that, as night turns into day, a great leap will be necessary. As Silk suggested, I think we need to consider a period of review and reflection—not vague, cul-de-sac, long-grass reflection, but something set up in statute, as would have been done by the official Opposition's amendment in Committee, moved by the hon. Member for Newport West (Paul Flynn). The Wales Governance Centre has endorsed the idea of the need to look at and reflect on these issues, and to return to them in due course. Believe it or not, I suggest this issue will not go away; it will return. To our regret, the Government have shut the door on this issue.

Paul Silk said:

"There should be a review within ten years of the case for devolving legislative responsibility for the court service, sentencing, legal aid, the CPS and the judiciary to the National Assembly."

His report is now an increasingly dated document. I have referred to it repeatedly, but it was some time ago. When the First Minister produced the Government and Laws in Wales Bill—the Plaid Cymru research department has mischievously used the wording of the Labour party's Bill, as it was right to do in tabling its amendment—he said something very important when questioned by my colleague Kirsty Williams. He said, in accordance with Silk:

"Let's not pretend that the devolution of justice is easy or that it can be done quickly. At the very beginning, we have to set up the expertise within Government to deal with issues of justice and to deal with the penal system, and that does take a long lead-in time. So, I think it's a reasonable period of time—that 10-year period—in order to see justice devolved."

Jonathan Edwards: The hon. Gentleman will be aware that our amendment 60 is, line for line, what the Welsh Government introduced as their alternative Wales Bill.

Mr Williams: The hon. Gentleman is quite right. I have studied the amendment very carefully, as indeed I studied the Bill that the First Minister presented to the National Assembly and the exchanges between the party leaders about the wording of the Bill on 8 March. The First Minister laid great emphasis, as did my colleague Kirsty Williams, on the timing, and that is the crucial point. I happen to share the aspiration, but I have concerns about the timing. That is why I cannot support amendment 60 tonight—I will not vote against it—and why I am deeply saddened that the Government have not understood the real importance of the issue.

Paul Flynn: I am very grateful to the hon. Gentleman for making that point, which gets to the nub of the problem. Although we are flattered that Plaid Cymru have chosen to use the words of the Welsh Government's policy as it was a few weeks ago, that policy has matured. In the present circumstances—very much influenced by what the Wales Governance Centre has said—it would be foolish to go ahead with it at this moment. It is premature.

Mr Williams: The policy may have matured, but I assert that this issue needs to be monitored, because it will not go away. That is why the responsibility is not on my Plaid Cymru friends or indeed the official Opposition, but on the Government to acknowledge the importance of the issue of separate and distinct jurisdictions and not let it disappear from sight. The issue will not go away, and I have every faith that in five years' time, the hon. Gentleman will be in the Chamber making the same speech he made earlier about the importance of this issue. The issue will not go away, and the Government need to respond to it.

Question put and agreed to.

New clause 4 accordingly read a Second time, and added to the Bill.

Clause 1

PERMANENCE OF THE NATIONAL ASSEMBLY FOR WALES AND WELSH GOVERNMENT

Amendments made: 3, page 1, line 5, leave out

"after Part 2 (the Welsh Government)"

and insert

"before Part 1 (National Assembly for Wales)".

The effect of this amendment and amendments 4, 5, 6, 7 and 8 is that the new sections about the permanence of the Assembly and the Welsh Government, and recognition of Welsh law, are inserted at the beginning of the Government of Wales Act 2006 rather than after Part 2 of that Act.

Amendment 4, page 1, line 7, leave out "2A" and insert "A1".

Amendment 5, page 1, line 9, leave out "92A" and insert "A1".

Amendment 6, page 1, line 10, after "Assembly", insert "established by Part 1".

Amendment 7, page 1, line 10, after "Government", insert "established by Part 2".

Amendment proposed: 60, page 2 leave out lines 4 to 9 and insert—

"PART 2B

ESTABLISHMENT OF TWO DISTINCT JURISDICTIONS

92B Legal jurisdictions of Wales and of England

The legal jurisdiction of England and Wales becomes two legal jurisdictions, that of Wales and that of England.

92C The law of Wales and the law of England

(1) The law of England and Wales is divided into the law of Wales and the law of England.

(2) All of the law that extends to England and Wales immediately before the coming into force of this section—

(a) except in so far as it applies only in relation to England, is to extend to Wales (and becomes the law of Wales), and

(b) except in so far as it applies only in relation to Wales, is to extend to England (and becomes the law of England).

(3) In this section “law” includes—

- (a) rules and principles of common law and equity,
- (b) provision made by virtue of an Act of the United Kingdom Parliament, an Act of the Welsh Parliament or an Act or Measure of the National Assembly for Wales, and
- (c) provision made pursuant to the prerogative.

(4) Any provision of any enactment or instrument enacted or made, but not in force, when subsection (1) comes into force is to be treated for the purposes of that subsection as part of the law that extends to England and Wales (but this subsection does not affect provision made for its coming into force).

92D Senior Courts system

(1) The Senior Courts of England and Wales cease to exist (except for the purposes of sections 92H (3) and (4)) and there are established in place of them—

- (a) the Senior Courts of Wales, and
- (b) the Senior Courts of England.

(2) The Senior Courts of Wales consist of—

- (a) the Court of Appeal of Wales,
- (b) the High Court of Justice of Wales, and
- (c) the Crown Court of Wales, each having the same functions in Wales as are exercisable by the corresponding court in England and Wales immediately before subsection (1) comes into force.

(3) The Senior Courts of England consist of—

- (a) the Court of Appeal of England,
- (b) the High Court of Justice of England, and
- (c) the Crown Court of England,

each having the same functions in England as are exercisable by the corresponding court in England and Wales immediately before subsection (1) comes into force.

(4) For the purposes of this Part—

- (a) Her Majesty’s Court of Appeal in England is the court corresponding to the Court of Appeal of Wales and the Court of Appeal of England,
- (b) Her Majesty’s High Court of Justice in England is the court corresponding to the High Court of Justice of Wales and the High Court of Justice of England, and
- (c) the Crown Court constituted by section 4 of the Courts Act 1971 is the court corresponding to the Crown Court of Wales and the Crown Court of England.

(5) Subject to section 92I—

- (a) references in enactments, instruments and other documents to the Senior Courts of England and Wales (however expressed) have effect (as the context requires) as references to the Senior Courts of Wales or the Senior Courts of England, or both; and
- (b) references in enactments, instruments and other documents to Her Majesty’s Court of Appeal in England, Her Majesty’s High Court of Justice in England or the Crown Court constituted by section 4 of the Courts Act 1971 (however expressed) have effect (as the context requires) as references to either or both of the courts to which they correspond.

92E County court and family court

(1) The county court and the family court cease to exist (except for the purposes of sections 92H (3) and (4)) and there are established in place of them—

- (a) the county court of Wales and the family court of Wales with the same functions in Wales as are exercisable by the county court and the family court (respectively) immediately before this subsection comes into force, and
- (b) the county court of England and the family court of England with the same functions in England as are

exercisable by the county court and the family court (respectively) immediately before this subsection comes into force.

(2) For the purposes of this Part—

- (a) the county court is the court corresponding to the county court of Wales and the county court of England, and
- (b) the family court is the court corresponding to the family court of Wales and the family court of England.

(3) Subject to section 92I references in enactments, instruments and other documents to the county court or the family court (however expressed) have effect (as the context requires) as references to either or both of the courts to which they correspond.

92F Judiciary etc.

(1) All of the judges, judicial office-holders and other officers of Her Majesty’s Court of Appeal in England or Her Majesty’s High Court of Justice in England become judges, judicial office-holders or officers of both of the courts to which that court corresponds.

(2) All of the persons by whom the jurisdiction of the Crown Court constituted by section 4 of the Courts Act 1971 is exercisable become the persons by whom the functions of both of the courts to which that court corresponds are exercisable except that (despite section 8(2) of the Senior Courts Act 1981)—

- (a) a justice of the peace assigned to a local justice area in England may not by virtue of this subsection exercise functions of the Crown Court of Wales, and
- (b) a justice of the peace assigned to a local justice area in Wales may not by virtue of this subsection exercise functions of the Crown Court of England.

(3) All of the judges, judicial office-holders and other officers of the county court become judges, judicial office-holders or officers of the county court of Wales and the county court of England.

(4) All of the judges, judicial office-holders and other officers of the family court become judges, judicial office-holders or officers of the family court of Wales and the family court of England except that (despite section 31C(1)(y) of the Matrimonial and Family Proceedings Act 1984)—

- (a) a justice of the peace assigned to a local justice area in England is not a judge of the family court of Wales, and
- (b) a justice of the peace assigned to a local justice area in Wales is not a judge of the family court of England.

92G Legal professions

(1) Every legal practitioner who would (but for this Part) at any time after the coming into force of this Act be entitled to carry on a reserved legal activity for the purposes of the law of England and Wales, in proceedings in England and Wales or before the courts of England and Wales, has at that time the same entitlement for the purposes of the law of England and the law of Wales, in proceedings in England and proceedings in Wales and before the courts of England and the courts of Wales.

(2) In this section—

“legal practitioner” means every solicitor, barrister, notary, legal executive, licensed conveyancer, patent attorney, trade mark attorney, law costs draftsman, accountant or other person who, in accordance with the Legal Services Act 2007 (c. 29), is entitled to carry on a reserved legal activity;

“reserved legal activity” has the same meaning as in the Legal Services Act 2007.

92H Division of business between courts of Wales and courts of England

(1) The Senior Courts of Wales, the county court of Wales, the family court of Wales and the justices for local justice areas in Wales are to apply the law extending to Wales (including the rules of private international law relating to the application of foreign law).

(2) The Senior Courts of England, the county court of England, the family court of England and the justices for local justice areas in England are to apply the law extending to England (including the rules of private international law relating to the application of foreign law).

(3) All proceedings, whether civil or criminal, pending in any of the Senior Courts of England and Wales, the county court or the family court (including proceedings in which a judgment or order has been given or made but not enforced) must be transferred by that court to whichever of the courts to which that court corresponds appears appropriate.

(4) The transferred proceedings are to continue as if the case had originated in, and the previous proceedings had been taken in, that other court.

Supplementary

92I Power to make further provision

(1) Her Majesty may by Order in Council make provision (including provision amending or otherwise modifying any enactment or instrument, including this Act) that appears appropriate in consequence of, or otherwise in connection with, the provision made by this Part.

(2) The provision that may be made under subsection (1) includes in particular provision relating to—

- (a) courts,
- (b) tribunals,
- (c) the judges, judicial officers and other members and officers of courts and tribunals,
- (d) the Counsel General or other law officers,
- (e) the legal professions,
- (f) the law relating to the jurisdiction of courts and tribunals, and
- (g) other aspects of private international law (including, in particular, choice of law, domicile and the recognition and enforcement of judgments and awards).

(3) No Order may be made under subsection (1) unless a draft of the Order has been laid before, and approved by resolution of—

- (a) each House of the United Kingdom Parliament, and
- (b) the Welsh Parliament.”—(*Liz Saville Roberts.*)

This amendment replaces the Bill's proposed recognition of Welsh law with provisions to establish two distinct legal jurisdictions of England and Wales, as drafted by the Welsh Government.

Question put, That the amendment be made.

The House divided: Ayes 30, Noes 288.

Division No. 62]

[7.40 pm

AYES

Ahmed-Sheikh, Ms Tasmina	McLaughlin, Anne
Arkless, Richard	Monaghan, Dr Paul
Black, Mhairi	Mullin, Roger
Boswell, Philip	Paterson, Steven
Brock, Deidre	Ritchie, Ms Margaret
Cameron, Dr Lisa	Saville Roberts, Liz
Chapman, Douglas	Sheppard, Tommy
Cowan, Ronnie	Stephens, Chris
Crawley, Angela	Thewliss, Alison
Day, Martyn	Weir, Mike
Edwards, Jonathan	Whiteford, Dr Eilidh
Ferrier, Margaret	Williams, Hywel
Gibson, Patricia	Wishart, Pete
Grady, Patrick	
Grant, Peter	
Lucas, Caroline	
McDonald, Stuart C.	

Tellers for the Ayes:
Owen Thompson and
Marion Fellows

NOES

Adams, Nigel	Allen, Heidi
Aldous, Peter	Amess, Sir David
Allan, Lucy	Andrew, Stuart

Ansell, Caroline	Fox, rh Dr Liam
Argar, Edward	Francois, rh Mr Mark
Atkins, Victoria	Frazer, Lucy
Bacon, Mr Richard	Freeman, George
Baldwin, Harriett	Freer, Mike
Barclay, Stephen	Fuller, Richard
Baron, Mr John	Fysh, Marcus
Barwell, Gavin	Garnier, rh Sir Edward
Bebb, Guto	Garnier, Mark
Bellingham, Sir Henry	Gauke, rh Mr David
Beresford, Sir Paul	Ghani, Nusrat
Berry, James	Gibb, Mr Nick
Blackman, Bob	Gillan, rh Mrs Cheryl
Blunt, Crispin	Glen, John
Boles, Nick	Goldsmith, Zac
Bone, Mr Peter	Goodwill, Mr Robert
Borwick, Victoria	Gove, rh Michael
Bradley, rh Karen	Grant, Mrs Helen
Brady, Mr Graham	Grayling, rh Chris
Brazier, Mr Julian	Green, Chris
Bridgen, Andrew	Green, rh Damian
Brine, Steve	Greening, rh Justine
Bruce, Fiona	Grieve, rh Mr Dominic
Buckland, Robert	Griffiths, Andrew
Burns, Conor	Gummer, rh Ben
Burns, rh Sir Simon	Gyimah, Mr Sam
Burt, rh Alistair	Halfon, rh Robert
Cairns, rh Alun	Hall, Luke
Campbell, Mr Gregory	Hancock, rh Matt
Carmichael, Neil	Hands, rh Greg
Cartledge, James	Harper, rh Mr Mark
Cash, Sir William	Harrington, Richard
Caulfield, Maria	Harris, Rebecca
Chalk, Alex	Hart, Simon
Chishti, Rehman	Haselhurst, rh Sir Alan
Chope, Mr Christopher	Hayes, rh Mr John
Churchill, Jo	Heald, Sir Oliver
Clark, rh Greg	Heaton-Jones, Peter
Clarke, rh Mr Kenneth	Henderson, Gordon
Cleverly, James	Herbert, rh Nick
Coffey, Dr Thérèse	Hermion, Lady
Colville, Oliver	Hinds, Damian
Costa, Alberto	Hoare, Simon
Crabb, rh Stephen	Hollingbery, George
Crouch, Tracey	Hollinrake, Kevin
Davies, Byron	Hollobone, Mr Philip
Davies, Chris	Holloway, Mr Adam
Davies, David T. C.	Howell, John
Davies, Glyn	Howlett, Ben
Davies, Dr James	Huddleston, Nigel
Davies, Mims	Hunt, rh Mr Jeremy
Dinenage, Caroline	Hurd, Mr Nick
Djanogly, Mr Jonathan	Jackson, Mr Stewart
Donelan, Michelle	James, Margot
Double, Steve	Javid, rh Sajid
Dowden, Oliver	Jayawardena, Mr Ranil
Doyle-Price, Jackie	Jenkin, Mr Bernard
Drummond, Mrs Flick	Jenrick, Robert
Duddridge, James	Johnson, rh Boris
Duncan Smith, rh Mr Iain	Johnson, Gareth
Dunne, Mr Philip	Johnson, Joseph
Ellis, Michael	Jones, Andrew
Ellison, Jane	Jones, rh Mr David
Ellwood, Mr Tobias	Jones, Mr Marcus
Elphicke, Charlie	Kawczynski, Daniel
Evans, Graham	Kennedy, Seema
Evans, Mr Nigel	Kinahan, Danny
Evennett, rh David	Kirby, Simon
Fabricant, Michael	Knight, rh Sir Greg
Fallon, rh Michael	Knight, Julian
Fernandes, Suella	Kwarteng, Kwasi
Foster, Kevin	Latham, Pauline

Leadsom, rh Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Leslie, Charlotte
 Letwin, rh Mr Oliver
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David
 Lilley, rh Mr Peter
 Lord, Jonathan
 Loughton, Tim
 Lumley, Karen
 Mackinlay, Craig
 Mackintosh, David
 Main, Mrs Anne
 Mak, Mr Alan
 Malthouse, Kit
 Mann, Scott
 Mathias, Dr Tania
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McPartland, Stephen
 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
 Morgan, rh Nicky
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Mowat, David
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Newton, Sarah
 Nokes, Caroline
 Norman, Jesse
 Nuttall, Mr David
 Offord, Dr Matthew
 Opperman, Guy
 Osborne, rh Mr George
 Parish, Neil
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Mike
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Phillips, Stephen
 Philp, Chris
 Pickles, rh Sir Eric
 Pincher, Christopher
 Poulter, Dr Daniel
 Prentis, Victoria
 Prisk, Mr Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, Mr Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence

Robinson, Gavin
 Robinson, Mary
 Rosindell, Andrew
 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
 Stephenson, Andrew
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Streeter, Mr Gary
 Stride, Mel
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Sir Desmond
 Swire, rh Mr Hugo
 Syms, Mr Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tugendhat, Tom
 Turner, Mr Andrew
 Vaizey, rh Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Mrs Theresa
 Walker, Mr Charles
 Wallace, Mr Ben
 Warburton, David
 Warman, Matt
 Wharton, James
 Whately, Helen
 Wheeler, Heather
 White, Chris
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williams, Craig
 Williamson, rh Gavin
 Wilson, Mr Rob
 Wilson, Sammy
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:

Chris Heaton-Harris and
 Mark Spencer

Question accordingly negatived.

Amendment made: 8, page 2, line 4, leave out “92B” and insert “A2”.—(*Alun Cairns.*)

Clause 6

TIMING OF ELECTIONS

Amendments made: 9, page 6, line 27, leave out “provision is made for the day of the poll by an order” and insert “the day of the poll is determined by a proclamation”.

This amendment is consequential on amendment 11.

Amendment 10, page 6, line 36, after “specify”, insert “unless the day of the poll is determined by a proclamation under section 4(2) as modified by section 4(2A)”.

This amendment ensures that the Presiding Officer is able to propose a date for an ordinary general election even if the Welsh Ministers have already varied the date of the election under new section 3(1B) as inserted by clause 6(3) of the Bill.

Amendment 11, page 7, line 3, leave out subsections (7) and (8) and insert—

“() For subsections (1) and (2) substitute—

(1) Subject to section 3(1A), the Presiding Officer may propose, for the holding of the poll at an ordinary general election, a day which is not more than one month earlier, nor more than one month later, than the first Thursday in May.

(2) If the Presiding Officer proposes a day under subsection (1), Her Majesty may by proclamation under the Welsh Seal—

- (a) dissolve the Assembly,
- (b) require the poll at the election to be held on the day proposed, and
- (c) require the Assembly to meet within the period of seven days beginning immediately after the day of the poll.

(2A) Where a day is specified by an order under section 3(1B), subsection (1) applies as if the reference to the first Thursday in May were a reference to that day.”

() In subsection (3), for “(2)(b)” substitute “(2)(c)”.

() In subsection (4)—

- (a) for “An order under this section may” substitute “The Welsh Ministers may by order”;
- (b) for “Secretary of State considers” substitute “Welsh Ministers consider”;
- (c) after “poll” insert “under this section”.

This amendment allow the Presiding Officer to propose a new date for an ordinary general election, subject to new section 3(1A) and (1B) which are inserted by clause 6(3) of the Bill. If such a proposal is made Her Majesty may take certain steps to arrange the new election.

Amendment 12, page 7, line 9, at the end insert—

“(10A) Section 5 (extraordinary general elections) is amended as set out in subsections (10B) and (10C).

(10B) In subsection (1), for “Secretary of State” substitute “Presiding Officer”.

(10C) In subsection (4)—

- (a) for “Secretary of State” substitute “Presiding Officer”;
- (b) for “Order in Council” insert “proclamation under the Welsh Seal”.—(*Alun Cairns.*)

This amendment transfers the function of calling an extraordinary general election of the Welsh Assembly from the Secretary of State to the Presiding Officer. The amendment also makes provision for the Welsh Seal to be used to call the extraordinary general election.

Clause 8**SUPER-MAJORITY REQUIREMENT FOR CERTAIN
LEGISLATION**

Amendment made: 13, page 10, leave out lines 3 to 10.—(*Alun Cairns.*)

This amendment removes the explicit requirements about the use of Welsh and English for statements made by the Presiding Officer under the new section 111A inserted in the Government of Wales Act 2006 by clause 8.

Clause 12**FINANCIAL CONTROL, ACCOUNTS AND AUDIT**

Amendments made: 14, page 12, leave out line 20.

This is a drafting amendment consequential on amendment 18.

Amendment 15, page 12, line 21, after “119”, insert “of the Government of Wales Act 2006”.

This is a drafting amendment consequential on amendment 18.

Amendment 16, page 12, line 21, at end insert—

“() In section 124 of that Act (payments out of Welsh Consolidated Fund), after subsection (4) insert—

(4A) A sum paid out of the Welsh Consolidated Fund may not be applied for any purpose other than that for which it was charged or (as the case may be) paid out.”

This amendment inserts provision in section 124 of the Government of Wales Act 2006 equivalent to section 65(3) of the Scotland Act 1998.

Amendment 17, page 12, line 22, after “130”, insert “of that Act”.

This is a drafting amendment consequential on amendment 18.

Amendment 18, page 13, line 31, at end insert—

“() Omit section 136 of that Act.

() Sections 6 and 7 of the National Audit Act 1983 (value for money studies) do not apply in relation to a Wales public authority.”—(*Alun Cairns.*)

This amendment removes from the Comptroller and Auditor General the power to carry out examinations regarding payments into and out of the Welsh Consolidated Fund and the power to carry out value for money studies in relation to Wales public authorities (as to which, see clause 4).

Clause 15**CHANGE OF NAME OF THE ASSEMBLY ETC:
TRANSLATION OF REFERENCES**

Amendments made: 19, page 14, line 6, after “Wales”, insert “(Cynulliad Cenedlaethol Cymru)”.

This amendment inserts the Welsh name of the National Assembly for Wales.

Amendment 20, page 14, line 7, after “Commission”, insert “(Comisiwn Cynulliad Cenedlaethol Cymru)”.

This amendment inserts the Welsh name of the National Assembly for Wales Commission.

Amendment 21, page 14, line 8, after “Wales”, insert “(Deddfau Cynulliad Cenedlaethol Cymru)”.

This amendment inserts the Welsh name of Acts of the National Assembly for Wales.

*Amendment 22, page 14, line 13, after “be”, insert “, or the Welsh equivalent shown in subsection (1),”.—(*Alun Cairns.*)*

This amendment makes clear that subsection (2) of the inserted section 150A operates on changes to the Welsh names of the National Assembly for Wales, the National Assembly for Wales Commission and Acts of the National Assembly for Wales.

Schedule 1**NEW SCHEDULE 7A TO THE GOVERNMENT OF WALES
ACT 2006**

Amendments made: 26, page 43, line 39, at end insert—

“() The reference to prosecutors in sub-paragraph (1)(c) does not prevent an Act of the Assembly from making provision about responsibility for the prosecution of devolved offences.

An offence is a “devolved offence” if provision for the creation of it is within the legislative competence of the Assembly.”.

This amendment makes clear that the reservation at paragraph 6 of inserted Schedule 7A does not affect the ability of an Assembly Act to specify who is to be the prosecutor of an offence within devolved competence.

Amendment 27, page 73, line 11, leave out “(f),”.

This amendment removes the reference to section 14(1)(f) of the Planning Act 2008 from the definition of “relevant nationally significant infrastructure project”. Section 14(1)(f) applies only in relation to England, so the reference to it is superfluous.

*Amendment 28, page 75, leave out lines 7 to 10.—(*Alun Cairns.*)*

Without this amendment, an Assembly Act would be unable to extend or modify the functions of the Children's Commissioner, even with the consent of the appropriate Minister: see paragraph 199 of the inserted Schedule 7A. The removal of Section N8 means that the position is governed by paragraphs 8 and 10 of the inserted Schedule 7B.

Schedule 2**NEW SCHEDULE 7B TO THE GOVERNMENT OF WALES
ACT 2006**

Amendments made: 29, page 79, line 40, leave out “, 145, 145A”.

This amendment removes the prohibition on an Assembly Act amending section 145 or 145A of the Government of Wales Act 1998 (examinations and studies by the Auditor General for Wales).

Amendment 30, page 81, line 44, leave out “143” and insert “135”.

This amendment and amendment 31 are consequential on amendment 18.

Amendment 31, page 81, line 44, at end insert—

“() sections 137 to 143;”.

Amendment 32, page 83, leave out lines 43 and 44.

Paragraph 9(5) of inserted Schedule 7B is otiose (because paragraph 8 operates only on “reserved authorities”; whether a “devolved tribunal” is a reserved authority depends on whether it is a “Wales public authority”, which by definition it must be). So this amendment removes it.

Amendment 33, page 85, line 34, at end insert—

“11A (1) In any enactment (whenever passed or made) not contained in this Act —

(a) a reference to provision within the legislative competence of the Assembly does not include provision that could be made in an Act of the Assembly only with the consent of a Minister of the Crown (under paragraph 8, 10 or 11 or otherwise);

(b) a reference to provision outside that competence includes provision that could be made in an Act of the Assembly only with such consent.

(2) But paragraph 11(2) is to be ignored for the purposes of any such references.”.—(*Alun Cairns.*)

This amendment makes clear that the various statutory references to provision that is within the legislative competence of the Welsh Assembly do not include provision that may be made by the Assembly only with consent of a Minister of the Crown, but do include provision that is subject only to a consultation requirement.

Schedule 3

NEW SCHEDULE 3A TO THE GOVERNMENT OF WALES
ACT 2006

Amendments made: 34, page 86, line 28, leave out “section 5 of”.

This amendment is consequential on amendment 35.

Amendment 35, page 87, leave out lines 40 and 41.

This amendment and amendment 36 remove references to provisions that have no application to England and Wales as a result of amendments made by the Marine and Coastal Access Act 2009.

Amendment 36, page 89, line 39, leave out from beginning to “and” in line 40.

Amendment 37, page 92, leave out lines 6 and 7.

The entry for section 30 of the Jobseekers Act 1995 was included in error. This amendment removes it.

Amendment 38, page 93, line 3, at end insert—

“2A (1) The powers to make regulations under sections 10ZC, 10ZD and 53 of the Representation of the People Act 1983 (registration of electors), so far as they are exercisable by a Minister of the Crown to make provision about a UK digital service in relation to elections in Wales, are exercisable by the Welsh Ministers concurrently with that Minister.

(2) In sub-paragraph (1)—

“elections in Wales” means—

- (a) an election of Assembly members, or
- (b) a local government election (within the meaning given by section 203 of the Representation of the People Act 1983) in Wales;

“UK digital service” means a digital service provided by a Minister of the Crown for the registration of electors.”.—(*Alun Cairns.*)

This amendment adds a paragraph to the inserted Schedule 3A reproducing the effect of clause 7(2)(b), (6)(b) and (10)(b), which makes certain regulation-making powers concurrently exercisable with the Welsh Ministers.

Schedule 4

NEW SCHEDULE 9A TO THE GOVERNMENT OF WALES
ACT 2006

Amendments made: 39, page 93, line 38, at end insert—

“The Advisory Panel to the Welsh Language Commissioner or Banel Cynghori Comisiynydd y Gymraeg.”.

This amendment and amendments 40, 41 and 42 add various boards etc to the new Schedule 9A inserted in the Government of Wales Act 2006 by the Bill. Schedule 9A is a list of Wales public authorities (as to which, see section 157A inserted by clause 4).

Amendment 40, page 95, line 10, at end insert—

“The National Assembly for Wales Commissioner for Standards or Comisiynydd Safonau ar gyfer Cynulliad Cenedlaethol Cymru. The National Assembly for Wales Remuneration Board or Bwrdd Taliadau Cynulliad Cenedlaethol Cymru.

The National Independent Safeguarding Board or Bwrdd Diogelu Annibynnol Cenedlaethol.”

Amendment 41, page 96, line 10, at end insert—

“The Welsh Language Partnership Council or Gyngor Partneriaeth y Gymraeg.”.

Amendment 42, page 96, line 18, at end insert—

“The Welsh Revenue Authority or Awdurdod Cyllid Cymru.

The Welsh Scientific Advisory Committee or Pwyllgor Ymgynghorol Gwyddonol Cymru.

The Welsh Therapies Advisory Committee or Pwyllgor Cynghorol Therapiau Cymru.”.—(*Alun Cairns.*)

New Clause 5

SAFETY ZONES AROUND RENEWABLE ENERGY
INSTALLATIONS

“(1) Section 95 of the Energy Act 2004 (safety zones around renewable energy installations) is amended as set out in subsections (2) to (5).

(2) In subsection (1A)—

(a) for “means the Scottish Ministers” substitute “means—
(a) the Scottish Ministers”;

(b) paragraphs (a) to (c) are renumbered sub-paragraphs (i) to (iii);

(c) in sub-paragraphs (ii) and (iii) (as renumbered), for “paragraph (a)” substitute “sub-paragraph (i)”;

(d) before “and otherwise” insert—

“(b) the Welsh Ministers, in relation to a renewable energy installation which has, or will have, a capacity of 350 megawatts or less and—

(i) which is to be or is in an area of Welsh waters, and is not being proposed to be extended outside those areas,

(ii) to which sub-paragraph (i) has ceased to apply because of an extension or proposed extension, if subsection (1D) applies, or

(iii) to the extent that it is to be or is in an area of Welsh waters, if sub-paragraph (i) has ceased to apply because of an extension or proposed extension, and subsection (1D) does not apply.”.

(3) After subsection (1C) insert—

“(1D) This subsection applies if there is an agreement in force between the Secretary of State and the Welsh Ministers providing for the Welsh Ministers to be the appropriate Minister in relation to the whole of the installation.

(1E) Where subsection (1D) applies, the Welsh Ministers must consult the Secretary of State about the exercise of their functions as the appropriate Minister.”

(4) After subsection (4A) insert—

“(4B) Before issuing a notice under this section which relates, wholly or partly, to Welsh waters, the Secretary of State must consult the Welsh Ministers.

(4C) Before issuing a notice under this section which relates, wholly or partly, to an area outside Welsh waters, the Welsh Ministers must consult the Secretary of State.”

(5) In section 96 of that Act (prohibited activities in safety zones), in subsection (8)(a), after “the Secretary of State” insert “or the Welsh Ministers”.

(6) In section 104 of that Act (interpretation of Chapter 2 of Part 2), at the end of subsection (1) insert—

““Welsh waters” means so much of the internal waters and territorial sea of the United Kingdom as are adjacent to Wales, and the Welsh zone;

“Welsh zone” has the meaning given in section 158 of the Government of Wales Act 2006.”.—(*Guto Bebb.*)

This new clause gives the Welsh Ministers power to demarcate safety zones around renewable energy installations in Welsh waters and to make provision prohibiting activities within safety zones.

Brought up, and read the First time.

Guto Bebb: I beg to move, That the clause be read a Second time.

Mr Deputy Speaker (Mr Lindsay Hoyle): With this it will be convenient to discuss the following:

New clause 1—*Maritime and Coastguard Agency—*

“(1) In section 1 of the Coastguard Act 1925 (transfer of the coastguard to the Board of Trade), at the end insert—

“(4) The Secretary of State must consult the Welsh Ministers about the strategic priorities of the Secretary of State in exercising functions under subsection (1) in relation to activities of Her Majesty’s Coastguard in Wales.

(5) In subsection (4) “Wales” has the same meaning as in the Government of Wales Act 2006.”

(2) In section 292 of the Merchant Shipping Act 1995 (general functions of the Secretary of State) at the end insert—

“(5) The Secretary of State must consult the Welsh Ministers about the strategic priorities of the Secretary of State in exercising functions under subsection (1) in relation to the safety standards of ships in Wales and protecting the health and safety of persons on them.

(6) In subsection (5) “Wales” has the same meaning as in the Government of Wales Act 2006.””

This new clause would amend the Coastguard Act 1925 and the Merchant Shipping Act 1995 so as to require the Secretary of State to consult the Welsh Ministers on the Secretary of State’s strategic priorities in relation to the activities of the Coastguard in Wales, including as regards health and safety on ships in Wales.

New clause 6—Tax on carriage of passengers by air—

“(1) In Part 4A of the Government of Wales Act 2006, after Chapter 4 insert—

“CHAPTER 5

TAX ON CARRIAGE OF PASSENGERS BY AIR

116O Tax on carriage of passengers by air

(1) A tax charged on the carriage of passengers by air from airports in Wales is a devolved tax.

(2) Tax may not be charged in accordance with that provision on the carriage of passengers boarding aircraft before the date appointed under subsection (6).

(3) Chapter 4 of Part 1 of The Finance Act 1994 (air passenger duty) is amended as follows.

(4) In section 28(4) (a chargeable passenger is a passenger whose journey begins at an airport in the United Kingdom), for “England, Wales or Northern Ireland” substitute “England, Wales or Northern Ireland”.

(5) In section 31(4B) (exception for passengers departing from airports in designated region of the United Kingdom) for “England, Wales or Northern Ireland” substitute “England or Northern Ireland”.

(6) Subsections (3) to (5) have effect in relation to flights beginning on or after such date as the Treasury appoint by regulations made by statutory instrument.””

This new Clause would make air passenger duty a devolved tax in Wales, on the lines of section 17 of the Scotland Act 2016.

New clause 7—Assignment of VAT—

“(1) The Government of Wales Act 2006 is amended as follows.

(2) In section 117 (Welsh Consolidated Fund), after subsection (2) insert—

“(2A) The Secretary of State shall in accordance with section 64A pay into the Fund out of money provided by Parliament any amounts payable under that section.”

(3) After that section insert—

“117A Assignment of VAT

(1) Where there is an agreement between the Treasury and the Welsh Ministers for identifying an amount agreed to represent the standard rate VAT attributable to Wales for any period (“the agreed standard rate amount”), the amount described in subsection (3) is payable under this section in respect of that period.

(2) Where there is an agreement between the Treasury and the Welsh Ministers for identifying an amount agreed to represent the reduced rate VAT attributable to Wales for that period (“the agreed reduced rate amount”), the amount described in subsection (4) is payable under this section in respect of that period.

(3) The amount payable in accordance with subsection (1) is the amount obtained by multiplying the agreed standard rate amount by—

$$\frac{10}{SR}$$

where SR is the number of percentage points in the rate at which value added tax is charged under section 2(1) of the Value Added Tax Act 1994 for the period.

(4) The amount payable in accordance with subsection (2) is the amount obtained by multiplying the agreed reduced rate amount by—

$$\frac{2.5}{RR}$$

where RR is the number of percentage points in the rate at which value added tax is charged under section 29A(1) of the Value Added Tax Act 1994 for the period.

(5) The payment of those amounts under section 64(2A) is to be made in accordance with any agreement between the Treasury and the Welsh Ministers as to the time of the payment or otherwise.”

(4) The Commissioners for Revenue and Customs Act 2005 is amended as follows.

(5) In subsection (2) of section 18 (confidentiality: exceptions) omit “or” after paragraph (j), and after paragraph (k) insert “, or

(l) which is made in connection with (or with anything done with a view to) the making or implementation of an agreement referred to in section 117A(1) or (2) of the Government of Wales Act 2006 (assignment of VAT).”

(6) After that subsection insert—

“(2B) Information disclosed in reliance on subsection (2)(l) may not be further disclosed without the consent of the Commissioners (which may be general or specific).”

(7) In section 19 (wrongful disclosure) in subsections (1) and (8) after “18(1) or (2A)” insert “or (2B)”. ””

This new Clause would allow the payment into the Welsh Consolidated Fund of half the receipts of Value Added Tax raised in Wales, on the lines of section 16 of the Scotland Act 2016.

New clause 8—Youth Justice—

“(1) Youth justice is a devolved matter.

(2) The Assembly may establish a non-departmental body accountable to the Assembly to be called Youth Justice Board Cymru to carry out all the existing functions of the Youth Justice Board in relation to youth justice in Wales.

(3) The Assembly may make provision in relation to youth justice in Wales concerning any of the subject matter of—

(a) sections 8 to 16, 37 to 42, 47, 48, 65 to 79, 97 and 98 of the Criminal Disorder Act 1998, and

(b) the Youth Justice and Criminal Evidence Act 1999.”

This New Clause would establish a separate youth justice system for Wales, in line with the recommendations made by the Silk Commission.

New clause 9—Apprenticeship levy—

“(1) In Part 4A of the Government of Wales Act 2006, after Chapter 4 insert—

“CHAPTER 5

APPRENTICESHIP LEVY

116O Apprenticeship levy

(1) The Treasury must make separate provision in regulations for apprenticeship levy charged to a person in Wales with a pay bill.

(2) The Treasury must lay an annual report before the Assembly and the House of Commons on the amount of apprenticeship levy raised in each tax year from persons in Wales.

(3) The Treasury must consult the Assembly before setting a levy allowance or a relevant percentage applicable to persons in Wales.””

This New Clause paves the way for apprenticeship levy introduced in Part 6 of the Finance Bill 2016 to be a devolved tax.

New clause 11—*Duty to keep the devolution of policing under review*—

“(1) The Secretary of State and the Welsh Ministers must keep the functioning and operation of policing in Wales under review, including keeping under review the question of whether policing should be devolved to Wales.

(2) In exercising their duty in subsection (1) the Secretary of State and the Welsh Ministers must have regard to—

- (a) divergence in policing as between England and Wales,
- (b) the need to treat the Welsh and English languages on the basis of equality, and
- (c) any other circumstances in Wales affecting the operation of policing, the maintenance of public order and the prevention and detection of crime.

(3) The Secretary of State and the Welsh Ministers may appoint a panel to advise them on the exercise of their functions in this section.

(4) The Secretary of State must make an annual report on policing in relation to Wales to the Welsh Ministers.

(5) The Welsh Ministers must lay the report before the Assembly.

(6) The Secretary of State must lay the report before both Houses of Parliament.”

This new clause would require the Secretary of State and Welsh Ministers to keep policing in Wales under review and, in particular, the need to devolve policing.

Amendment 70, in clause 36, page 29, line 18, leave out “350” and insert “2000”.

This and related amendments would lift the limit on the Welsh Government’s legislative competence in the field of energy from 350 megawatts to 2000 megawatts.

Amendment 71, page 29, line 22, leave out “350” and insert “2000”.

See amendment 70.

Amendment 72, page 30, line 3, leave out “350” and insert “2000”.

See amendment 70.

Amendment 73, page 30, line 17, leave out “350” and insert “2000”.

See amendment 70.

Amendment 74, page 30, line 38, leave out “350” and insert “2000”.

See amendment 70.

Amendment 75, page 30, line 43, leave out “350” and insert “2000”.

See amendment 70.

Amendment 76, page 30, line 48, leave out “350” and insert “2000”.

See amendment 70.

Government amendment 23.

Amendment 77, in clause 38, page 32, line 17, leave out “350” and insert “2000”.

See amendment 70.

Amendment 78, page 32, line 18, leave out “350” and insert “2000”.

See amendment 70.

Government amendment 24.

Amendment 79, page 32, line 32, leave out “350” and insert “2000”.

See amendment 70.

Amendment 80, page 32, line 34, leave out “350” and insert “2000”.

See amendment 70.

Government amendments 25, 45 to 47, 50, 53, 54, 56 and 58.

Amendment 81, in schedule 6, page 111, line 7, leave out “350” and insert “2000”.

See amendment 70.

Amendment 82, page 111, line 10, leave out “350” and insert “2000”.

See amendment 70.

Government amendment 59.

Guto Bebb: I will speak first to the Government amendments in the group, before turning to the amendments tabled by Opposition Members. Most of the Government amendments deal with technical changes to the energy and environment provisions in the Bill; I will discuss those first.

Clause 36 delivers the St David’s Day agreement on the devolution of energy consents, giving the Assembly and Welsh Ministers a substantially greater degree of autonomy in determining the shape of devolved energy policy in Wales. We implemented the decentralisation of consenting responsibilities for all onshore wind projects earlier this year. The Bill will devolve to Wales specific consenting responsibility for all other electricity generating projects up to and including 350 MW in size.

It is important that the Welsh consenting authority has the ability to take measures to ensure the safety of offshore renewable energy installations and those who might come in contact with them. Discretionary powers already exist in the Energy Act 2004 for the Secretary of State to designate safety zones around such installations and to determine the conditions that will apply to the operation of such zones. New clause 5 extends those designation powers to Welsh Ministers in respect of offshore installations up to and including 350 MW in size in Welsh waters—that is, territorial waters up to the 12 nautical mile limit, and beyond, into the Welsh zone—and establishes appropriate arrangements for managing instances where an intended safety zone is likely to extend beyond Welsh waters.

Amendments 50 and 59 make consequential changes arising from new clause 5. Amendment 50 amends the 2004 Act to establish that regulations made under the new clause will be subject to the negative resolution procedure in the Welsh Assembly. Amendment 59 introduces tailored transitional provisions for the purposes of the offshore renewable energy safety zone provisions in the new clause. It provides that applications for the determination of safety zones received prior to the commencement of the devolution provisions will continue to be the responsibility of the Marine Management Organisation.

Government amendments 45, 46, 53 and 58 make consequential changes to ensure that the new consenting regime put in place by the Bill operates smoothly. The Bill devolves to Welsh Ministers the ability to use the consenting regime that already exists under section 36 of the Electricity Act 1989 for the purposes of granting consent for electricity generation projects up to and including 350 MW in scale in Welsh waters. We recognise that, in due course, Welsh Ministers may wish to modify and improve the offshore consenting regime and, in doing

so, apply a consistent regime between territorial waters and the Welsh zone, where the Assembly does not exercise legislative competence.

Amendment 45 will give Welsh Ministers the ability, through a regulation-making power, to make modifications that can apply in territorial waters and the Welsh zone, avoiding any inconsistencies between the two areas and providing more clarity for developers. In establishing regulation-making powers to enable Welsh Ministers to modify and improve the offshore consenting regime in due course, we are keen not to encumber them with restrictions and requirements that might frustrate them in doing so. Amendment 46 therefore serves to disapply in Wales certain aspects of the 1989 Act, leaving Welsh Ministers with greater flexibility for the future.

Amendment 53 makes technical changes consequential on the new devolution boundary that will operate between Welsh Ministers and the Secretary of State once the devolution of electricity generation consenting powers in Welsh waters and marine licensing functions in the Welsh zone is in place. The changes cater for the fact that a marine licence might in future be deemed by Welsh Ministers to be part of a development consent order under the Planning Act 2008.

Amendment 58 introduces tailored transitional provisions for the purposes of the devolved electricity generation consenting provisions of the Bill. In effect, it provides that applications received prior to the commencement of the devolution provisions will continue to proceed to a final decision by the Secretary of State.

Amendments 23 and 24 make technical drafting changes to clause 38 to reflect the fact that, in the onshore context, devolved electricity generation consenting in Wales will be carried out within the regime of the Town and Country Planning Act 1990. To avoid ambiguity, the inclusion of the concept of “planning permission” simply reflects the language of that Act.

Clause 42 provides Welsh Ministers with further executive responsibilities in the Welsh offshore region. However, we need to ensure that licensing functions that are reserved activities under the Marine and Coastal Access Act 2009 remain with the Secretary of State in the Welsh offshore region. Amendments 25 and 54 to 56 modify the 2009 Act to clarify the devolution boundary so that, for example, enforcement officers appointed using devolved powers have no powers to enforce part 4 of the 2009 Act, relating to petroleum production or exploration; the amendments also exclude the Welsh inshore and offshore regions from waters in respect of which the Marine Management Organisation exercises certain consenting and safety zone functions.

Amendment 56 modifies the 2009 Act to give Welsh Ministers powers to make regulations about the application procedure when they are both the marine licensing authority and the harbour order authority or generating station authority. Finally, amendment 47 simply removes an obsolete reference to Assembly measures.

The Government amendments are all sensible and necessary, and serve to deliver a clearer devolution boundary, one of the key aims of the Bill.

8 pm

New clause 1, which Opposition Members tabled, would provide Welsh Ministers with greater influence over the strategic priorities of the delivery of coastguard functions in Wales, the protection of people on ships, and the safety standards that apply to both ships and

people on ships in Wales. They are all reserved matters. The Secretary of State would be required to consult Welsh Ministers when exercising functions under two pieces of primary legislation—the Coastguard Act 1925 and the Merchant Shipping Act 1995—when setting the strategic priorities in relation to the Secretary of State’s delivery of functions in Wales.

The new clause seeks to give effect in Wales to a proposal of the Smith commission. As Members on both sides of the House know, the Government gave a commitment in the St David’s Day agreement to consider whether non-fiscal Smith proposals should be implemented in Wales. We are implementing some of the Smith commission’s proposals relating to the Maritime and Coastguard Agency for Scotland through the agreement of a memorandum of understanding. I am therefore not persuaded today that there is a case for putting in place a statutory duty on the Secretary of State to consult the Welsh Ministers.

New clause 6 was tabled by Plaid Cymru Members. As the Government committed to do in the 2015 St David’s Day agreement, we have considered the case and options for devolving air passenger duty to the Assembly, informed by a consideration of the impact on nearby English airports. The review was necessary given the specific issues faced on the England-Wales border and the legitimate concerns expressed by English regional airports that if APD were devolved to Wales, the Welsh Government would likely propose significantly lower APD rates, if not scrap it altogether.

As hon. Members will no doubt be aware, Cardiff and Bristol airports are only 60 minutes apart and the population density of the border means that more than 4 million people live within the overlapping catchment area of the two airports. Many travellers and businesses in south Wales currently rely on a thriving Bristol airport for their main air connectivity, and its traffic and route network is substantially greater than that which Cardiff airport can currently offer.

The Government must ensure that devolution does not lead to undue market distortions with negative consequences for both English and Welsh consumers. The Welsh Government have argued for a number of years that the devolution of APD is necessary to support Cardiff airport, Wales’s only international airport. They have also argued consistently that because APD is devolved to Scotland and to Northern Ireland, it must be devolved in Wales. I disagree with both assumptions, as I indicated on Second Reading. What is right for Scotland or Northern Ireland is not necessarily right for Wales, as the asymmetric devolution settlements first put in place by Labour clearly demonstrate. Supporting Cardiff or any other airport does not necessitate giving it special tax status to distort the market artificially in its favour. Indeed, I am very pleased that Cardiff airport is thriving and has increasing passenger numbers without any need to create an un-level playing field for Bristol.

If Welsh APD rates were lowered, it would cause significant and unjustifiable disadvantages for Bristol airport, probably leading to a large decrease of passenger numbers—there could be a decrease of up to 25% if Welsh APD is scrapped altogether.

Stephen Doughty: The Minister is talking about Cardiff airport, but what consultations did he undertake with the airport management and Cardiff airport passengers?

[Stephen Doughty]

I take issue with him on this: he said that Cardiff airport and Bristol were only 60 minutes apart. Having driven that distance many times, I am pretty sure that that is not the case, not least because of some of the challenges along the M4 at the moment.

Guto Bebb: I am sure there are challenges along the M4 at this point in time, but my understanding is that the distance between Cardiff and Bristol can be covered in an hour.

On the consultation, we looked widely at a number of options in relation to the impact of the proposed change. The clear point is that we have to take into account the impact of changes to APD on devolution. We need to consult regional airports in England that will be affected and Cardiff airport, the single international airport in Wales. However, the analysis, which we have concluded, shows quite clearly that the scale of the impact of such a change would be detrimental to Bristol to such an extent that it could have a detrimental effect on the availability of flights to south Wales consumers and businesses. In other words, it could have an unintended consequence that would be bad for the economy of south-east Wales, because we would damage Bristol before we saw any upsurge in Cardiff. On that basis, we have concluded that we are opposed at this point in time to the devolution of APD to Wales.

The Government have listened carefully to the debate about the devolution of APD and are fully appreciative of the importance of the aviation sector for creating jobs and growth in Wales. I understand the reason that hon. Members offer in proposing the change, but we cannot justify the distortion it would cause to the wider economy of Wales and to the economy of the south-west of England. That is why the Government reject the devolution of APD.

New clause 7 seeks to assign a share of the VAT revenues generated in Wales to the Welsh Government, in the same manner that a share of Scottish VAT revenues will be assigned to the Scottish Government from April 2019, following the cross-party Smith commission agreement and given effect through the Scotland Act 2016. It is important to understand the purpose of VAT assignment, which is to increase the link between the Scottish Government's policy decisions and their budget, and thereby further to increase their accountability for the decisions they take.

Of course, that argument could be made in support of VAT assignment for Wales. The Welsh Government have a similar range of economic policy levers as the Scottish Government, and one of our key aims is to increase accountability—that is one of the key aims of the Bill. However, the independent cross-party Silk commission gave full consideration to assigning a share of VAT receipts generated in Wales. It recognised that the main argument in favour of assignment is that it would strengthen the link between the performance of the Welsh economy and the size of the Welsh Government's budget. However, the Silk commission pointed out that it would also mean taking on additional revenue risks arising from factors over which the Welsh Government could have less control. The commission concluded that assignment of Welsh VAT revenues to the Welsh Government's budget should not be pursued.

Jonathan Edwards: I will speak on this issue in detail if I catch Mr Deputy Speaker's eye later in the debate. The Minister will be aware that those powers were devolved to Scotland a matter of only a year or so ago, whereas the Silk commission reported four or five years ago. Perhaps the Silk commission would have come to a different conclusion if it reported now.

Guto Bebb: The hon. Gentleman asks me to comment on a hypothetical assertion. I shall refrain from doing so, but it is important to highlight that the Silk commission considered very carefully the difference between the porous nature of the border between England and Wales and the situation in Scotland. On balance, it is my view that the Silk commission came to the right conclusion, which is why we will reject the hon. Gentleman's proposals. The Wales Act 2014 legislated for the vast majority of the recommendations in the Silk commission's first report, and our focus should be to work with the Welsh Government to implement it.

On new clause 8, the youth justice system, as with other elements of the criminal justice system, is not currently devolved, but significant responsibilities in relation to the management and rehabilitation of young offenders are exercised by local authorities in Wales, working in partnership with the police and devolved services such as health, children's services and education. Devolved and non-devolved services already work successfully together in Wales to prevent youth offending, and to manage and support young offenders in the community. The Youth Justice Board provides national oversight and monitoring of those arrangements, and the Youth Justice Board Cymru has worked closely with the Welsh Government to develop a joint youth offending strategy. That establishes a coherent framework for all those involved in delivering youth justice services and ensures that there is an effective youth justice system that meets the needs of young people in Wales.

The Silk commission noted that many of the causes of youth offending relate to devolved matters, and its recommendation on devolution was aimed at promoting greater integration. However, there was no consensus in favour of devolution when youth justice was discussed as part of the St David's Day process. The Government believe it is important that legislative competence for youth justice remains reserved to allow us to develop a consistent and coherent approach to criminal justice, and the management of offenders across all age groups, within the single legal jurisdiction. There would be significant practical challenges in devolving responsibility for youth justice in Wales while responsibility for the police, courts and other elements of the criminal justice system are reserved.

We place a high priority on addressing youth offending and maintaining a strong relationship with the Welsh Government on those matters. The Ministry of Justice is currently considering the final report of Charlie Taylor, the former chief executive of the National College of Teaching and Leadership, on his review of the youth justice system. As part of his review, he visited Wales to meet Welsh Ministers and to see local youth offending services. The Ministry of Justice will work closely with the Welsh Government to consider the recommendations made in the final report with a view to publishing the report later this year with plans for reform. Given the co-operation that exists between devolved and non-devolved

organisations, which we will seek to maintain in taking forward any plans for reform, we are not persuaded that devolving youth justice to create a separate youth justice system in Wales would result in a more flexible, economical or effective response to youth offending.

New clause 9, proposed by the hon. Member for Carmarthen East and Dinefwr (Jonathan Edwards), would open the door to the apprenticeship levy becoming a devolved tax. When introducing the apprenticeship levy, the Government wanted to make the system as simple as possible for employers to operate, and to avoid adverse impacts on the integrated UK-wide single market. Operating a UK-wide levy based on the national insurance definition of earnings is the best way to achieve this outcome. In particular, it is applied consistently to employers wherever they operate within the UK single market, while this definition of earnings is something that employers are familiar with and is information they readily have in their payroll. This also avoids considerable practical difficulties that would arise if there were different rates and thresholds of the apprenticeship levy in different parts of the UK, which appears to be the thrust of new clause 9. For example, as the charge is on the employer, it would be necessary to determine how such a system would operate for organisations working across borders. This would create additional burdens for businesses that we believe are sensibly avoided. In addition, the Government have made it quite clear that devolved nations will get their fair share of the levy, and discussions are ongoing.

Liz Saville Roberts: I would like the Minister to answer my question in this case. There is real uncertainty about how much would go to Wales. How will there be transparency in relation to the apprenticeship levy when there will be companies with a head office in another area outside Wales with employees in Wales?

Guto Bebb: The aim of the negotiations between the Welsh Government and the Treasury is to ensure a fair funding formula for Wales. On transparency, I think the hon. Lady is aware that decisions on spending in Wales are decisions for the Welsh Government, so the transparency issue will arise at that point. I can assure her that the ongoing discussions between the Treasury and the Welsh Government are being conducted in the spirit of co-operation. We want the levy to succeed. Whether a young person is from Wales or England, the aim is to ensure there is support for that person's training. We are therefore fully committed to working with the Welsh Government, but to devolve this tax would create a complexity that is unjustified in the context of the border between England and Wales, and owing to the fact that the border is so different to the situation in Scotland. That is why we think the amendment is misguided.

Nia Griffith: Will the Minister give us an assurance that he will do everything possible to hurry up the negotiations and ensure that everything is done to facilitate the smooth operation of the apprenticeship levy? There is a lot of uncertainty for Welsh colleges and Welsh young people about how it will work.

Guto Bebb: When the Minister concludes the discussions, hon. Members will be involved. We will certainly try to ensure that the figures in question will be made available.

We will be aware of the funding stream that will be made available to the Welsh Government. The expectation is that in view of the number of companies in the UK when compared with the number of companies in Wales as a percentage, Wales will do comparatively well out of any UK-wide settlement, rather than having a devolved response as indicated by the amendment. The expectation is that the discussions between the Welsh Government and the Treasury will be positive. We will be more than willing to provide figures on the support provided to the Welsh Government in relation to the levy.

New clause 11 seeks to introduce a statutory duty for the Government to keep policing in Wales under review. It is intended that the duty should include keeping under review the question of whether policing in Wales should be devolved to the Assembly and the Welsh Government, and would require the Government to provide the Welsh Ministers with an annual report on this matter. I cannot support the proposal. The delivery of an efficient and effective police service to the people of Wales must be our first priority, and we should be very wary of anything that distracts from that. I have serious concerns that the introduction of a statutory requirement to keep this matter under review and to produce an annual report would be just such a distraction that would have a destabilising effect on policing in Wales.

The Silk commission recommendation to devolve policing was considered as part of the St David's Day process and there was no consensus to take it forward. I remind hon. Members that policing in Wales has already been localised. Everyone in Wales has a direct say in policing in their area through their locally elected and accountable police and crime commissioners. I remind the House that two of them are members of Plaid and two of them are members of Labour, so it cannot be argued that the localisation of the decision to elect PCCs has benefited the Conservatives.

The current England and Wales-wide arrangements for policing work well and the proponents of devolution have failed to adequately address the significant risks that would arise if those arrangements were disrupted. Should circumstances significantly change, I would expect there to be further consideration of this matter. However, in my view new clause 11, which would have the effect of keeping this matter under perpetual review no matter what the circumstances, is unnecessary; indeed, I think it would be counterproductive.

8.15 pm

Finally, through amendments number 70 to 82, the hon. Member for Newport West (Paul Flynn) seeks to reopen an important part of the St David's Day agreement, and a key recommendation of the Silk commission in relation to the future consenting of electricity generation projects in Wales. As I have already said, the Bill gives effect to the political consensus around the devolution of new powers over energy consents. That political consensus was firmly embedded in respect of the fact that Wales and England are, and will remain, linked through a common electricity transmission system that depends on the inputs from a broad range of generating sources. The Government remain firmly of the view that the larger the capacity of those sources, the greater their significance beyond Wales and to the UK as a whole. Consensus was reached around 350 MW being the appropriate threshold, and the Government believe that should remain the case.

I believe I have explained clearly why I cannot support the Opposition proposals put forward today. On that basis, I urge right hon. and hon. Members to withdraw their amendments.

Paul Flynn: What a bleak end to the Minister's speech! His timid conclusion is that we have to stick to the 350 MW limit, which was decided a long time ago, and ignores, without any vision, the glorious opportunity we have in Wales. If anything is the Welsh North sea oil, it is hydro and tidal power. The possibilities are enormous. The Government's proposal of a 350 MW limit would cover the Swansea lagoon, but it certainly would not cover the 1,800 MW at the other two planned lagoons at Cardiff and Newport. As far as nuclear is concerned, it would not cover Wylfa Newydd. It would not cover the possible alternatives to Wylfa, either.

This proposal also ignores the bold and decisive action taken by our Prime Minister, for which I sent her a letter of congratulation, to halt the Hinkley Point contract hours before the champagne corks would have been popping. Down at Hinkley Point, where they would have had their champagne, if they looked across to Wales they could have seen the second highest rising and falling tide in the world, unused and neglected but an immense source of power, washing past its walls. That could be Welsh power. That could be ours to exploit and for the Government to take on. Such power does not have the problems of the unsightly wind turbines in mid-Wales. It would enhance the natural environment in the same way as hydro. It seems remarkable that in Wales we have 2,200 MW of nuclear power. Who would know it was there? It is hidden under the hills and silent. There are lakes on top of the hills, an enhancement of nature from power stations running since 1963. It was interesting to see during the recess how many Plaid Cymru Members visited the hydroelectric power stations in their constituencies.

The possibilities that the geography of Wales gives us to exploit hydro and tidal power are numberless and immense. It is a source of renewable power which, unlike the sun and wind, is entirely predictable. In Wales, we can guarantee rain for hydro power and we can guarantee for eternity that the tides will flow. This seems to be another lost opportunity. The problems of Hinkley are not just the possibility of Chinese spies, but the possibility of the dearest electricity in the world. We are tied into a deal for 35 years. There is also the problem that EPR reactors have never worked anywhere in the world. Their delays average about 10 years, so we could develop hydro power and the lagoons within the period in which Hinkley—if it goes ahead, which it might not—would deliver.

Stephen Doughty: I agree with some, though not all, of what my hon. Friend has said, but I strongly agree with him on tidal power. Many people in south Wales just want to get on with tidal power and see it moving forward. There has been a lot of frustration at the situation at UK level and the delaying of decisions. Does my hon. Friend agree that the fundamental issue here is the arbitrary megawatt limit that the Government have imposed? Does he agree that it is arbitrary and that that is why we should support his amendment?

Paul Flynn: Yes, it is arbitrary. I know my hon. Friend has connections and would like to see more jobs created in this area, as would we all. This is, in fact, the means

through which the greatest number of jobs would be created. The 350 MW limit is meaningless. The Minister mentions the Silk commission, but that was a long time ago—before we realised that there was a huge question mark over Hinkley. We will not know for a fortnight what will go ahead there, but this Bill is a great opportunity for us in Wales. Amendments 70 to 82, which we tabled, offer a marvellous chance to get energy in Wales. Unlike the curse of energy in the past, when we suffered the dirt, degradation and pollution of the coal industry, here we have a source of energy that is benign, clean, green, Welsh and eternal. What could be better than that?

It was disappointing to hear the Minister's response to our new clause 1, which deals with marine issues. Its purpose is to promote effective consultation and communication between the Maritime and Coastguard Agency and the Welsh Government in respect of devolved fisheries and marine matters. The new clause would put Wales on the same footing as Scotland. It is increasingly irritating to hear from the Government that what is right for Scotland is never right for Wales. Wales always seems to come second when it comes to doling out these grudging gifts of power from this excessively and neurotically power-attentive Government. For goodness' sake, let go, and let Wales have at least what Scotland has. What on earth is wrong with that?

Powers in respect of fisheries, marine planning, inshore marine licensing and conservation are already devolved. The Wales Bill makes further provision for ports to be devolved, which is very welcome; for devolution in respect of marine licensing; for conservation to be extended to the offshore area; and for consenting over marine energy projects. That is moving in the right direction, but consultation on the MCA's priorities would promote joined-up, cross-Government engagement at an early stage on marine and fisheries issues. The new clause is designed to promote consultation and information sharing on matters of mutual interest, which could only benefit the public as well as commercial and conservation areas. It is an entirely sensible and common-sense measure which should be accepted by the Government.

We warmly support new clause 6 on air passenger duty, tabled by Plaid Cymru Members, and will do so if it is pressed to a Division. It seems extraordinary for a Welsh Minister to talk about air travel when we know that the disposition of the airports works in a circle. At the centre of the circle are Heathrow and Gatwick, where all the traffic goes. As we move further from those hubs out to the periphery, the problems get worse. Our airport, Cardiff, is on the periphery of the periphery, so it deserves special treatment—just as the Scottish airports do. For the same reason, we deserve special impetus to make sure that we can compete. We cannot compete on an equal basis at the moment because of the geography involved. The traffic flows towards the centre—towards London and towards Bristol.

Guto Bebb: Will the hon. Gentleman explain why, if Cardiff airport is facing handicaps to such an extent, it is one of the fastest-growing airports of the past 12 months?

Paul Flynn: That is because of the wisdom of the socialist Welsh Government in taking it over—nationalising it. I am glad that the Minister draws attention to that fact—this triumph of practical socialism, which is turning

out to be a success, even without the level playing field and level flying field that we need. Plaid Cymru has tabled this new clause, and we believe that devolving airport duty would allow Welsh airports to compete on a fair basis with the others. We need only to look at the geography. That tells us that the airports at Prestwick and Cardiff are disadvantaged because of the whole nature of flying and the magnetic attraction to the hubs around which the population is distributed. This measure will have to happen at some time in the future. We should acknowledge the success of the Welsh Government's action over Cardiff airport.

On keeping the devolution of policing under review, the Minister prayed in aid the four police and crime commissioners in Wales. What he did not mention was the fact that those four PCCs are agreed on the need for the control of policing to go to the Welsh Assembly. Our new clause 11 requires the Secretary of State for Wales and his Ministers to

"keep the functioning and operation of policing in Wales under review".

It is not asking much to suggest that we should look at it every year. This issue has been around for a long time.

Having spent a number of years sitting on the Home Affairs Committee, I would like to see some police forces kept at some distance from the Welsh police forces. I refer to some in Yorkshire and the Met, about which I have some misgivings relating to incidents involving some of my constituents and indeed constituents of my hon. Friends. I believe that there is a tradition of ethical policing in Wales that has its own values and it would be beneficial to keep possibilities in place and under review. We should keep the light shining in the distance as we move towards it.

Liz Saville Roberts: I wonder whether the hon. Gentleman would agree with me on this issue. I took part in the parliamentary policing scheme this summer, and I know that there are great concerns among the North Wales police about the drive for them to co-operate with forces over the border. Although that might make sense in terms of combating crime, it will actually result in fewer police officers in many areas of Wales. Our police forces are really concerned about that.

Paul Flynn: The hon. Lady makes a powerful point, which we should bear in mind. I believe that we should appreciate and build on the Welsh tradition of policing. The cause is a modest one. We are not asking for full independence of the Welsh police forces straight away, but that is the mood within the police force. The new clause does not call for an immediate devolution of policing, but would allow policing—and particularly the devolution of policing—to be kept under review by both the Secretary of State and Welsh Ministers. The people of Wales should have a greater say over policing, and plans for it should be drawn up by the Welsh Assembly.

The first draft Wales Bill was an affront to devolution. The Welsh Government published an alternative Bill, in which they set out plans for a 10-year strategy for the devolution of policing. I hope that that is not too fast a pace for the Government, but we are not rushing into this. Ours is a modest, sensible approach which the Government should accept.

Nia Griffith: I welcome the additional energy consents that the Government are now going to include in the Bill, and I especially welcome the measures relating to grid connections. When planning consent has been determined in Wales for energy projects such as wind turbines, the issue of grid connection has imposed an additional bureaucratic burden. Until now, it has been a matter reserved to the United Kingdom Government, which makes no sense at all.

I support amendments 70 to 76, tabled by my hon. Friend the Member for Newport West (Paul Flynn), which would extend the Welsh Government's power to determine planning consent for energy projects not just to 350 MW, but to 2,000 MW. That would cover not only the Swansea tidal lagoon but the planned further lagoons for Cardiff and Newport, and I hope very much that Members will support the amendments. Not only do tidal lagoons offer predictable clean energy, but the Swansea proposal will not cost the taxpayer a penny until it actually produces electricity, and, moreover, the bosses are very committed to sourcing components as locally as possible. The beneficial effect of companies producing components for tidal lagoons not just in Swansea but in Cardiff and Newport will be apparent to all.

8.30 pm

I could go on forever about all sorts of important renewable projects throughout Wales—wind, hydro and tidal—including the projects in Rheidol and Dinorwig, mentioned by my hon. Friend, which use the force of water alone. Let me simply say, however, that it would be very welcome if the Welsh Government gave full consent to those projects, and saw the whole process through from beginning to end.

I also support new clause 6, which would devolve air passenger duty to Wales. That was recommended in the first Silk report, which specifically stated that

"this issue should be considered in the context of the Davies review and any developments in Scotland and Northern Ireland."

Given that APD has been devolved to both the Scottish Parliament and the Northern Ireland Assembly, it is surely right for Wales to control the tax as well.

In its evidence to the Silk Commission, the Federation of Small Businesses said:

"if air passenger duty were to be reduced then this could increase the flow of business and tourist visitors to Wales via Cardiff Airport, increasing economic activity and benefiting small businesses in Wales."

Cardiff airport itself said:

"APD is an appropriate tax to be devolved and offers the Welsh Government a tool which can be directly applied to support objectives of improved connectivity".

As we have heard, Cardiff airport has recently seen a significant growth in passenger numbers following the Welsh Government's decision to nationalise it in 2013. The latest figures, as of July 2016, show that passenger numbers are 29% higher than they were last year. Even if the Welsh Government chose to reduce APD somewhat, they might recoup it through additional passenger numbers. That could become a virtuous circle.

I hope very much that the Government will change their mind, will think again about the Silk report and the comments that were made at the time, and will recognise that now is the time for APD to be properly and fully devolved to the Welsh Government.

Jonathan Edwards: I rise to speak in support of new clauses 6 and 7. With your permission, Madam Deputy Speaker, I shall press new clause 6 to a vote at the appropriate time.

This is the fourth occasion since my election in 2010 on which I have tabled a new clause or amendment calling for the devolution of air passenger duty to Wales. I am sure that the House will be extremely relieved to hear that I shall not make a detailed speech, as I have presented my arguments many times before and consider them to be completely bullet-proof. I am grateful for what was said by the hon. Members for Newport West (Paul Flynn) and for Llanelli (Nia Griffith), who made the case for new clause 6 both strongly and eloquently. I will, however, remind the House of the broad reasoning behind Plaid Cymru's proposal to devolve APD to Wales, and why it is significant to the Welsh economy.

As Members will know, APD has already been devolved to Northern Ireland and Scotland. It was included as a key part of the carefully crafted package of devolved fiscal powers in the Silk commission's recommendations. Anyone who talks to the commissioners who did that detailed and comprehensive work will be told that the fiscal powers were very much a package. I think it very regrettable that both the Wales Bill and the Finance Bill have subsequently cherry-picked that carefully crafted package. Of course devolving APD would give Wales a competitive advantage, and it was telling that the Minister in his opening remarks said his principal opposition to the devolving of APD was that it would give Wales a competitive advantage. The Wales Office says it is against giving Wales a competitive advantage; I will allow the people of Wales to make up their own minds on that.

Guto Bebb: The comment I made very clearly was that the devolving of APD would, according to the surveys we have undertaken, result in damage to the availability and choice for commuters and businesses in south-east Wales.

Jonathan Edwards: I am grateful for that clarification.

Plaid Cymru tried to include APD devolution in the Finance Bills of 2013 and 2014, I recall, but we did fall to some very England-centric comments by the Treasury officials at the time. These arguments have not yet satisfied us, or I imagine the 70% of the people of Wales who support the devolution of APD, as reported in recent opinion polls—as I said in Committee, that is an extremely impressive opinion poll rating.

On Second Reading of the Bill, the Minister said it was right and proper for Wales not to have the same rights regarding APD as the other devolved nations, and he has reiterated that this evening. Why would the Wales Office seek to deny Wales the same powers as Scotland and Northern Ireland? Why would it deny our only international airport in Wales the potential to use those fiscal levers to expand and develop, and why would it deny the ability of the Welsh economy to grow?

Clearly, increasing footfall at the airport would generate substantial revenues elsewhere in Wales, primarily by boosting economic performance across the whole of the economy, not least of course in the Secretary of State's constituency, Vale of Glamorgan. Let us remember also that, as Members have said, Cardiff airport is owned by the people of Wales. The Welsh Government effectively

nationalised the airport and this additional lever would further enable them to utilise a huge asset in the direct ownership of the people of Wales. It is highly regrettable that we have an airport in England, Bristol airport, effectively deciding UK policy, to the detriment of Wales.

While on the subject of Bristol airport, perhaps I should correct a statement I made in Committee, and I am happy to do so. I said Bristol airport could not accommodate long-haul flights and therefore there was no reason not to devolve long-haul APD. I received a strongly worded letter from Bristol airport—as we can imagine—a few days after the debate; it can accommodate long-haul flights. I am happy to correct the record, therefore, but what it cannot accommodate is the world's largest aircraft, which Cardiff airport can, given the length of its runway. With the prospect of Wales being dragged out of the biggest and most successful trading bloc in the world, now, more than ever, it is important that we connect Wales to the world, and clearly devolving APD to Wales would enable the Welsh Government to do that more effectively.

New clause 7, in the names of my parliamentary colleagues and myself, seeks to equalise the situation between Wales and Scotland on VAT revenues. I will not be pressing it to a vote, due to the time left this evening. However, I remind the House that there is a consensus that devolution of public spending responsibilities should be accompanied by the assignment of significant own sources of revenue. That principle has now been accepted as this Bill progresses, and therefore the debate in Wales between the political parties is about what that fiscal package of tax powers should consist of.

Wales's funding framework has been highly unusual from an international perspective: there are not many Governments in the world with significant legislative and spending powers who do not also have a correspondingly important responsibility for raising tax revenues. If the UK Government are serious about securing a lasting devolution settlement for Wales, VAT should be seriously considered as part of the package of devolved fiscal powers.

The Scotland Act 2016 stated that revenues from the first 10 percentage points of the standard VAT rate would be devolved by the 2019-20 financial year. The current UK VAT rate is 20%, and half of all the VAT raised in Scotland will be kept in Scotland. A recent article published by the Wales Governance Centre confirms what I said in Committee, stating that Welsh VAT revenues have

“been far more buoyant than other major taxes, such that VAT has become the largest source of revenue in Wales.”

This is in contrast to the rest of the UK and Scotland, where income tax remains the largest source. The Government Expenditure and Revenue Wales report concluded that around £5.2 billion was raised in VAT revenue in Wales in 2014-15. A similar deal to that of Scotland would mean around £2.6 billion being assigned to the Welsh Government. This would mean that more than a third of total devolved expenditure would be financed by devolved and assigned taxes. By my calculation, that would represent an increase of about 13% compared with the amount to be raised under the current proposals.

I presume that as long as we have a Conservative Government in charge of the Treasury here, economic growth will continue to be driven by consumer spending.

If that is the case, it is all the more important that the people of Wales benefit directly from that growth and from their own spending power. By devolving proportionately low revenue yielding taxes compared with the UK average, such as income tax, without devolving proportionately high revenue yielding taxes compared with the UK average, such as VAT, the UK Government are setting the tone in the Bill for an unfair and unstable fiscal position for Wales.

The devolution of VAT rates has been dismissed in the UK in the past on the ground that European Union rules prohibit the variation of VAT rates within a member state. Although we are calling only for parity with Scotland in this instance, the UK's exit from the EU could open a debate on devolving rate-setting powers to Wales. If, as the International Trade Secretary and the Brexit Secretary seem to want, the UK does not remain part of the single market, that could open up a world of possibilities for fiscal policy. Setting VAT rates could give Welsh Ministers a powerful macroeconomic lever, and could perhaps be used in conjunction with other tax powers in considering the overall progressivity of the tax system in Wales.

Hywel Williams: I agree entirely with my hon. Friend. Does he agree that the record of Governments in London, both Labour and Conservative, is not encouraging? Under an agreement made in Helsinki in 2008, states are allowed to vary VAT down to 5% in labour-intensive industries. Were that to happen in respect of, say, tourism and construction in Wales, a huge amount of new business would be generated and the lost tax would be made up very quickly, but this Government and their predecessor did not take advantage of that dispensation. We do not need to wait for Brexit. We could make this change now, but the Government refuse to do so.

Jonathan Edwards: I am grateful to my parliamentary leader for that intervention. Plaid Cymru has a long-standing policy to make the case at Budgets and autumn statements in this House for the lowering of the VAT level for the tourism industry in Wales. The all-party parliamentary group on the tourism and hospitality industry in Wales, chaired by the hon. Member for Ceredigion (Mr Williams), has also called for that reduction, which would be of huge benefit to the industry.

The Under-Secretary of State for Wales, the hon. Member for Aberconwy (Guto Bebb), has said tonight that he will not support the new clause because the proposal was not part of the Silk commission's recommendations. This is a classic case of the UK Government cherry-picking powers as it suits them and using the Silk commission as a justification for omission—in this case in relation to VAT—while dismissing its recommendations for the inclusion of measures on, for example, APD.

8.45 pm

Furthermore, the Silk commission reported before the Scotland Act was passed and well before the UK voted to leave the European Union. Both events are pivotal in determining a devolution settlement for Wales that is intended to last a generation and both are ignored at our peril. The British state will go one of two ways after Brexit: a return to highly centralised control here in Westminster or accelerated devolution to a more decentralised state. Buoyed by the referendum result,

proponents of the former are already mobilising against devolved politics, with the leader of the Conservative party in the Assembly even questioning over the summer the existence of the institution. On the other hand, however, more sensible voices such as the Constitution Reform Group in the other place headed by Lord Sainsbury, another Conservative, are calling for a voluntary union between the nations of the British state. I place myself firmly in the latter camp.

The pace of events is accelerating quickly and Brexit will only lubricate the situation. The UK Government must keep up. There is a danger that both the Scotland Act and the Wales Bill will be redundant before their provisions even come into force. Denying Wales the same powers as Scotland on VAT seems a deliberate attempt to undermine revenues for the Welsh Government, especially considering the buoyancy of VAT revenues in Wales. As the Secretary of State and the Minister reflect on the Bill in the coming weeks and months, I hope that they will withdraw their objections.

8.45 pm

Wayne David: I want to say a few words about new clause 11 and whether the devolution of policing is to be kept under review. I begin with a non-partisan point. When I was a Wales Office Minister for some 18 months, it struck me during meetings at the Home Office to consider policing in England and Wales how it became matter of fact simply to talk about England. That changed when I banged the table a few times, but it was interesting, going back several years now, that there was already a mindset that policing had been devolved to Wales—so they thought—and that it need not be considered by the Home Office. One of the unintended consequences of devolution is the assumption, certainly made by senior civil servants at that time—I suggest that it is still made—that policing has been devolved and that it should be considered on an England-only basis. It is not enough for us to keep on reminding people that it is not devolved; we have to realise why that assumption has been made and work out what is the logical direction of travel. A fair point made frequently by our colleagues in the Welsh Assembly is that policing is the only non-devolved emergency service in Wales.

Over the past few years, we have seen a movement towards the practical involvement of the Welsh Assembly in the day-to-day development of policing strategies, particularly on community safety. They fund a large number of police community support officers—I think they call them community support officers—and there are initiatives on counter-terrorism and how to get effective policies to tackle the threat. The Tarian unit is looking at organised drugs crime in Wales and how to combat it. Also, as has been mentioned, Wales has four police and crime commissioners who argue strongly and logically that the time has come for the devolution of policing to be seriously considered. The four police authorities in Wales have created a police liaison team that involves senior officers regularly meeting the Welsh Government. In a sense, a dovetailing is already taking place before our eyes on day-to-day policing.

I am not suggesting that this is an easy matter to be considered and then easily devolved, as it is not; it is complex and difficult. For example, the funding arrangements for policing in Wales are the most complicated of those of all the public services. More than a third of

[Wayne David]

all police funding in Wales comes from the Home Office—that is more than £250 million a year, so we are talking about a heck of a lot of money. Before any devolution occurs, we want to be sure that we have funding arrangements commensurate with the powers that are devolved. That important issue must be central to any discussions and future negotiations.

We will also have to be mindful of the need for effective cross-border co-operation in any devolution of policing. As we all know, crime does not recognise any international boundaries these days, and it certainly does not recognise Offa's Dyke, so we need strong, automatic mechanisms of co-operation in place as part of any devolution strategy. On co-operation, it is also particularly important that we examine the issue of police training and recognise that no matter what the devolution package is, it is extremely unlikely that Wales would develop its own training strategy for police officers. We would have to buy in, if necessary, from the national College of Policing, which is based in Berkshire and does an excellent job on police training. We also need to continue our involvement with the National Policing Improvement Agency. Policing must not be separated; we need to make sure that a close partnership is developed and put in place, taking into account the current funding arrangements, which are no longer suitable for the situation in which we find ourselves.

This issue will not go away, because of political imperatives and because the practicalities of tackling crime efficiently necessitate more devolution and greater partnership with the institutions of government that exist in Wales and are developing—this Bill helps in their development. We do not need a knee-jerk reaction, simply saying that the devolution of policing can be done easily and quickly, as it cannot. However, this needs to be kept under review, as this sensible and moderate new clause suggests. I heard the Minister's negative comments, but I hope that he will recognise reality and keep this issue full square on the table, so that we have an active and positive consideration, and that when the time is right and there is a political consensus for it, we devolve policing powers for Wales.

Stephen Doughty: I wish to speak briefly about two areas: the amendments on energy generation and new clause 6 on air passenger duty.

On energy, I have already indicated my support for many of the comments that were made by our Front-Bench spokesman and indeed that were coming from those on the Government Benches, too. I believe the Welsh Government should be having more say on this issue because the Welsh Government and the Welsh Assembly have set a very different direction on sustainability and energy production right from the outset. We saw the principle of sustainable development and sustainability embedded in the first Wales Act, and the sustainable futures Act and other legislation passed in the Assembly have also shown a different direction. I trust people there to make a better choice about the energy mix and energy production matrix in Wales than we are seeing coming from the UK Government, particularly when they abolish the Department of Energy and Climate Change and downgrade sustainability and climate change in their overall agenda. We have a different approach in

Wales. The megawatt limits that are set at the moment are arbitrary, and we ought to be giving as much encouragement as possible to local decision making on this, for many reasons. In particular, I would like the removal of some of the impediments to local energy generation by community energy schemes, as so much damage has been done to these schemes.

At the Co-operative party conference this weekend—I am a proud Co-operative party MP as well—I heard about the damage that has been done to community and co-operative energy across the UK by the rapid changes, for example, to feed-in tariffs, and the bureaucracy surrounding such schemes. It has been a huge mistake and has caused great damage to the industry. We have a thriving community energy sector in Wales that I want to see grow and expand. Given the framework that the Welsh Government and the Welsh Assembly have set from the beginning and which is very much embedded in their structures, it makes clear sense to devolve and expand the powers in this area.

It may seem odd for me to talk next about air travel and new clause 6. I believe that the expansion of air travel must be in balance with other forms of transport and within the framework of the Climate Change Act 2008, Welsh domestic legislation on sustainability and the Paris agreement. I am not convinced by the case that the Minister outlined today about air passenger duty. I find it particularly curious that the Secretary of State, who has Cardiff airport in his constituency, just 15 minutes away from the boundaries of my own, is willing to oppose this idea. Expanding provision at Cardiff airport will lead to shorter journey times, less congestion, less traffic and less cost for consumers in Wales. It will generate jobs and opportunities for the Secretary of State's constituents and mine, many of whom work in the airport and in the aerospace industry and supply industry locally.

On the idea that it takes just 60 minutes to get across to Bristol, I have travelled to and from Bristol airport on a number of occasions. I have travelled there by all the different modes of transport—I have driven in my car, I have taken the train to Bristol Temple Meads and caught the connecting bus, and I have taken the coach directly to the airport. Bristol airport is a very nice place and I had a very nice experience there. I have nothing bad to say about Bristol airport itself, but it is complicated to get there. It takes a long time. With Cardiff airport just 15 minutes down the road from my constituency and from our capital city, it seems odd that a Wales Office Minister—indeed, the Secretary of State—rather than getting the best deal for Wales, should stand up for an airport on the other side of the Severn bridge and encourage passengers to go over there.

There is a further issue. Ministers have talked about the opportunities for Welsh passengers to travel from Bristol airport. Those will remain, but we do not benefit as much from passengers coming from the south-west, for one very good reason: the Severn bridge tolls. Why would passengers choose to come across to Cardiff airport, which entails crossing a toll bridge, when they have an airport on their own doorstep? We need to think carefully about what is the right decision.

I was not an absolute believer in the original Welsh Government decision to get involved in running the airport. I admit I was a sceptic, but they did the right thing and their decision has borne fruit, as we heard.

Passenger numbers are up 29%, as my hon. Friend the Member for Llanelli (Nia Griffith) said. A service has been launched to London to allow a connection to many of the international business flights from London City airport. Companies such as FlyBe are expanding their opportunities. It was good enough for the Welsh football team to travel in and out of Cardiff airport. I find it odd that the Minister and the Secretary of State appear to be more interested in protecting the position of Bristol, rather than doing what is right for Wales and especially for consumers in south Wales, who want to be able to travel from Cardiff airport and to connect.

That is particularly pertinent in light of the result of the EU referendum. If we want Wales to be able to take advantage of the global trade agreements that the Government are supposedly going to magic up for us in the next couple of years, we must enable businesses, especially larger ones, to connect to flights to the City of London and elsewhere quickly and efficiently, and not have to take two or three modes of transport to get to an airport quite far south of Bristol. We ought to make the most of our own airport on our own doorstep, which is at the hub of a thriving aerospace industry.

Let us not forget that we have the British Airways Maintenance Cardiff centre. The hon. Member for Carmarthen East and Dinefwr (Jonathan Edwards), I think, mentioned the length of the runway and the airport's ability to handle the world's largest aircraft. That is crucial. Could we not make more of those synergies with 777s and, we hope, with A380s and 747s, which are already maintained there and perhaps in future could fly from there as well?

I will support new clause 6 because it would benefit Wales, my constituency, Cardiff South and Penarth, and constituents in the Vale of Glamorgan, and it makes sense in terms of the efficiency and sustainability of air travel from Wales in the future.

9 pm

Liz Saville Roberts: I rise to speak to new clauses 8 and 9, in my name and those of my Plaid Cymru colleagues. These provisions aim to guarantee the devolution of the youth justice system and the funds generated by the apprenticeship levy respectively. I will first discuss new clause 8.

Continuing with the ineffective and complex mix of devolved and non-devolved bodies to manage our youth justice system is not congruent with the Government's promise of a clear devolution settlement for Wales. The illogical settlement of the current system was highlighted by former Youth Justice Board chair Professor Rod Morgan, and reiterated by the Silk commission, which found that

"factors linked to youth offending were often related to devolved services, such as education and training, social services, and health, while youth offenders were dealt with through non-devolved services, such as the police, Youth Offending Teams and youth courts."

The 61 youth offenders currently in custody in Wales could receive significantly better treatment as a result of a simple change in the Bill. Equally, youth offenders in north Wales, who are, as a matter of course, sent over the border because of a lack of provision in the region, would be much better served by a devolved system. Why does the Minister, therefore, wish to retain the current unwieldy and unclear system when the evident priority should be to rehabilitate these children and young people?

As with every Plaid Cymru amendment brought forward, this is not a matter of politics, but common sense. Independent experts—independent experts, once again—are lining up to tell the Minister why he should devolve youth justice. I have already mentioned the Silk commission and Professor Rod Morgan, but the list goes on. Wales's second Children's Commissioner, Keith Towler, stated quite clearly that devolution responsibility over youth justice would make a massive difference in the way young people caught up in the justice system are supported, and it might even help cut crime. Leading legal academic, Richard Owen, has undertaken research to show the huge potential benefits of devolving youth justice.

However, perhaps the strongest statement came from the Howard League for Penal Reform, which has campaigned on the issue of youth justice for many years. When it found out that Plaid Cymru was putting forward this new clause, it wrote to me directly saying:

"When it comes to Welsh children in trouble with the law, Wales should be able to come up with a Welsh solution to a Welsh concern. This is particularly the case because both social services and education policy are already devolved and it is a welfare-led approach which will prove most effective for troubled children."

The Youth Justice Board in Wales already recognises that in its children-first approach, and there is an opportunity to build on that distinctiveness and to protect it from any Westminster-led reforms that fail to take into account the specific needs of Welsh children. Why do the Secretary of State and the Government continue to fail to listen to these independent experts?

The indications are that the Government's upcoming report into youth justice, undertaken by Charlie Taylor, the former chief executive of the National College for Teaching and Leadership, is likely to come out in favour of further devolution. Why not, therefore, use the biggest legislative vehicle for devolution in Wales for years to remove youth justice from the reservations now? I anticipate that this matter, like many matters relating to justice, will be discussed here once again and without delay when that report is published later this year.

The Government have already said that they are looking to devolve aspects of youth justice to other areas of the UK. Can the Minister explain to the people of Wales why such authorities as the Greater Manchester combined authority are set to gain increased competence over youth justice, when the established National Assembly for Wales, with a track record on closely related issues, is not? Is he not standing up for Wales among his Tory Cabinet colleagues?

The relatively insignificant £300,000 cost the Government estimate would be involved in setting up a Welsh youth justice system would pale into insignificance compared with the positive outcomes for young people caught up in the criminal justice system. Financial savings might even be made if, as predicted by many experts, offending rates decrease following its devolution. The benefits for the UK Government and the Welsh Government are clear. This is not only a morally responsible policy, but a logical and financially sensible thing to do. Although we will not push the new clause to a vote, will the Minister please outline why he is not listening to the Silk commission and the plethora of experts urging him to devolve youth justice?

New clause 9 relates to the devolution of the funds generated through the apprenticeship levy. The Government's chaotic and haphazard approach to the apprenticeship levy has left all the devolved Administrations

[Liz Saville Roberts]

in confusion. While the specifics are clear for businesses in England, the way in which businesses, public organisations, colleges and training providers in Wales will be able to access and benefit from the moneys generated by the levy remains completely opaque. Plaid Cymru has a long-standing commitment to improving the standard and increasing the number of apprenticeships in Wales. With every other area of apprenticeships, skills and training already devolved, it is incomprehensible that the Government have chosen to impose this as a blanket policy across the UK. Beyond the issues I have outlined as a matter of principle, an unacceptable number of questions remain unanswered. How will the levy work in relation to companies that employ people across the border? How will Wales receive the money owed to it through the levy, and how will we know that it is a fair allocation? Although we do not wish to press the new clause to a vote, we are asking for a clear commitment from the Secretary of State to ensure that Wales gets its fair and transparent share of the receipts generated by the apprenticeship levy.

I now turn to amendments tabled by the Government and Opposition Front Benchers. The Government's new clause 5 is based on the premise of giving Welsh Ministers power to demarcate safety zones around renewable energy installations in Welsh waters and prohibit activities within such safety zones. That does indeed seem empowering. Unfortunately, however, it further highlights the senseless limit of 350 MW capacity on renewable energy projects, to which we are fundamentally opposed. Amendment 45 and its consequential amendment 47 remind us again of this limit. We welcome new clause 1, tabled by the official Opposition, which would amend the Coastguard Act 1925 and the Merchant Shipping Act 1995 so as to require the Secretary of State to consult Welsh Ministers in relation to the activities of the coastguard in Wales.

New clause 11 relates to keeping the devolution of policing to Wales under review. I could say much, but, like my hon. Friend the Member for Carmarthen East and Dinefwr (Jonathan Edwards), I have discussed these matters so many times in this Chamber that I feel it does not need to hear me reiterate them. I am glad that there is consistency in Plaid Cymru's argument and that Labour is perhaps moving in the right direction.

Amendments 70 to 82 attempt to increase the limit on the Welsh Government's legislative competence in the field of energy from 350 MW to 2,000 MW. That would of course be welcome. However, why do the official Opposition still believe that we must put an arbitrary limit on the Welsh Government's powers at all when there is no such limit on the powers of the Scottish Government? I was pleased that for once the official Opposition supported our amendment in Committee to remove the limit altogether, so I am disappointed that in these amendments they appear to have rowed back on their support for allowing Welsh natural resources to be in the hands of the people of Wales.

I would greatly appreciate from the Minister clarification of amendment 50, which relates to the negative resolution procedure for Welsh Ministers under the Energy Act 2004, as that is not particularly clear as it stands.

Question put and agreed to.

New clause 5 accordingly read a Second time, and added to the Bill.

New Clause 3

RAIL: FRANCHISING OF PASSENGER SERVICES

"(1) Section 25 of the Railways Act 1993 (public sector operators not to be franchisees) is amended as follows.

(2) At the end of subsection (2A) insert "or a franchise agreement in respect of services that are or include Wales-only services."

(3) After subsection (2A) insert—

"(2B) For the purposes of this section a "Wales-only service" has the same meaning as in section 57 of the Railways Act 2005."

(4) This section does not have effect in relation to any invitation to tender under section 26(2) of the Railways Act 1993 issued before the day on which this section comes into force."—(Paul Flynn.)

This new clause would remove a restriction in section 25 of the Railways Act 1993 on certain public sector bodies bidding to operate a rail franchise that is made up of or includes rail services within Wales.

Brought up, and read the First time.

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

The House divided: Ayes 191, Noes 286.

Division No. 63]

[9.8 pm

AYES

Abrahams, Debbie	Davies, Geraint
Ahmed-Sheikh, Ms Tasmina	Day, Martyn
Alexander, Heidi	De Piero, Gloria
Arkless, Richard	Doughty, Stephen
Ashworth, Jonathan	Dowd, Jim
Bailey, Mr Adrian	Dowd, Peter
Beckett, rh Margaret	Eagle, Maria
Benn, rh Hilary	Edwards, Jonathan
Berger, Luciana	Efford, Clive
Betts, Mr Clive	Elliott, Julie
Black, Mhairi	Ellman, Mrs Louise
Blackman-Woods, Dr Roberta	Elmore, Chris
Blomfield, Paul	Esterson, Bill
Boswell, Philip	Evans, Chris
Bradshaw, rh Mr Ben	Farron, Tim
Brennan, Kevin	Fellows, Marion
Brock, Deidre	Ferrier, Margaret
Brown, rh Mr Nicholas	Fitzpatrick, Jim
Bryant, Chris	Fiello, Robert
Buck, Ms Karen	Fletcher, Colleen
Burden, Richard	Flint, rh Caroline
Burgon, Richard	Flynn, Paul
Butler, Dawn	Fovargue, Yvonne
Byrne, rh Liam	Foxcroft, Vicky
Cadbury, Ruth	Furniss, Gill
Campbell, rh Mr Alan	Gapes, Mike
Champion, Sarah	Gibson, Patricia
Chapman, Douglas	Glass, Pat
Chapman, Jenny	Glindon, Mary
Coaker, Vernon	Grady, Patrick
Cooper, Julie	Grant, Peter
Cooper, rh Yvette	Green, Kate
Cowan, Ronnie	Greenwood, Margaret
Coyle, Neil	Griffith, Nia
Crawley, Angela	Haigh, Louise
Creagh, Mary	Hanson, rh Mr David
Creasy, Stella	Harris, Carolyn
Cruddas, Jon	Hayes, Helen
Cryer, John	Hayman, Sue
Cummins, Judith	Healey, rh John
Cunningham, Alex	Hendrick, Mr Mark
Cunningham, Mr Jim	Hermon, Lady
Dakin, Nic	Hodgson, Mrs Sharon
Danczuk, Simon	Hoey, Kate
David, Wayne	Hollern, Kate

Hopkins, Kelvin
 Howarth, rh Mr George
 Hunt, Tristram
 Huq, Dr Rupa
 Jarvis, Dan
 Johnson, rh Alan
 Jones, Gerald
 Jones, Graham
 Jones, Helen
 Jones, Mr Kevan
 Jones, Susan Elan
 Kane, Mike
 Kendall, Liz
 Kyle, Peter
 Lamb, rh Norman
 Leslie, Chris
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Lucas, Caroline
 Lucas, Ian C.
 Mactaggart, rh Fiona
 Madders, Justin
 Malhotra, Seema
 Mann, John
 Marris, Rob
 Marsden, Gordon
 Maskell, Rachael
 Matheson, Christian
 McCarthy, Kerry
 McDonald, Stuart C.
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McLaughlin, Anne
 McMahon, Jim
 Mearns, Ian
 Miliband, rh Edward
 Monaghan, Dr Paul
 Moon, Mrs Madeleine
 Morden, Jessica
 Morris, Grahame M.
 Murray, Ian
 Nandy, Lisa
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Owen, Albert
 Paterson, Steven
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess

Phillipson, Bridget
 Pound, Stephen
 Powell, Lucy
 Reed, Mr Steve
 Rees, Christina
 Reynolds, Jonathan
 Ritchie, Ms Margaret
 Robinson, Mr Geoffrey
 Rotheram, Steve
 Saville Roberts, Liz
 Sharma, Mr Virendra
 Sheppard, Tommy
 Sherriff, Paula
 Shuker, Mr Gavin
 Siddiq, Tulip
 Skinner, Mr Dennis
 Slaughter, Andy
 Smith, rh Mr Andrew
 Smith, Angela
 Smith, Cat
 Smith, Nick
 Smyth, Karin
 Starmer, Keir
 Stephens, Chris
 Streeting, Wes
 Stuart, rh Ms Gisela
 Tami, Mark
 Thewliss, Alison
 Thomas-Symonds, Nick
 Thompson, Owen
 Trickett, Jon
 Turley, Anna
 Turner, Karl
 Twigg, Derek
 Twigg, Stephen
 Umunna, Mr Chuka
 Vaz, Valerie
 Weir, Mike
 West, Catherine
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Williams, Hywel
 Williams, Mr Mark
 Wilson, Phil
 Winnick, Mr David
 Winterton, rh Dame Rosie
 Wishart, Pete
 Zeichner, Daniel

Tellers for the Ayes:

**Holly Lynch and
 Jeff Smith**

NOES

Adams, Nigel
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Amess, Sir David
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Bacon, Mr Richard
 Baldwin, Harriett
 Barclay, Stephen
 Baron, Mr John
 Barwell, Gavin
 Bebb, Guto
 Bellingham, Sir Henry

Beresford, Sir Paul
 Berry, James
 Blackman, Bob
 Blunt, Crispin
 Boles, Nick
 Bone, Mr Peter
 Borwick, Victoria
 Bottomley, Sir Peter
 Bradley, rh Karen
 Brady, Mr Graham
 Brazier, Mr Julian
 Bridgen, Andrew
 Brine, Steve
 Bruce, Fiona
 Buckland, Robert
 Burns, Conor

Burns, rh Sir Simon
 Burt, rh Alistair
 Cairns, rh Alun
 Campbell, Mr Gregory
 Carmichael, Neil
 Cartledge, James
 Cash, Sir William
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, rh Greg
 Clarke, rh Mr Kenneth
 Cleverly, James
 Coffey, Dr Thérèse
 Collins, Damian
 Colville, Oliver
 Costa, Alberto
 Crabb, rh Stephen
 Crouch, Tracey
 Davies, Byron
 Davies, Chris
 Davies, David T. C.
 Davies, Glyn
 Davies, Dr James
 Davies, Mims
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Donaldson, rh Sir Jeffrey M.
 Donelan, Michelle
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drummond, Mrs Flick
 Duddridge, James
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Ellis, Michael
 Ellison, Jane
 Ellwood, Mr Tobias
 Elphicke, Charlie
 Evans, Graham
 Evans, Mr Nigel
 Evennett, rh David
 Fabricant, Michael
 Fallon, rh Michael
 Fernandes, Suella
 Foster, Kevin
 Fox, rh Dr Liam
 Francois, rh Mr Mark
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fuller, Richard
 Fysh, Marcus
 Garnier, rh Sir Edward
 Garnier, Mark
 Gauke, rh Mr David
 Ghani, Nusrat
 Gibb, Mr Nick
 Gillan, rh Mrs Cheryl
 Glen, John
 Goldsmith, Zac
 Goodwill, Mr Robert
 Gove, rh Michael
 Grant, Mrs Helen
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Grieve, rh Mr Dominic

Griffiths, Andrew
 Gummer, rh Ben
 Gyimah, Mr Sam
 Halfon, rh Robert
 Hall, Luke
 Hancock, rh Matt
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Hart, Simon
 Haselhurst, rh Sir Alan
 Hayes, rh Mr John
 Heald, Sir Oliver
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 Hinds, Damian
 Hollingbery, George
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Mr Adam
 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
 Jenrick, Robert
 Johnson, rh Boris
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Kennedy, Seema
 Kinahan, Danny
 Kirby, Simon
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Latham, Pauline
 Leadsom, rh Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Leslie, Charlotte
 Letwin, rh Mr Oliver
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David
 Lilley, rh Mr Peter
 Loughton, Tim
 Lumley, Karen
 Mackinlay, Craig
 Mackintosh, David
 Main, Mrs Anne
 Mak, Mr Alan
 Malthouse, Kit
 Mann, Scott
 Mathias, Dr Tania
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McPartland, Stephen
 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
 Newton, Sarah
 Nokes, Caroline
 Nuttall, Mr David
 Offord, Dr Matthew
 Opperman, Guy
 Osborne, rh Mr George
 Parish, Neil
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Mike
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Phillips, Stephen
 Philp, Chris
 Pickles, rh Sir Eric
 Pincher, Christopher
 Poulter, Dr Daniel
 Prentis, Victoria
 Prisk, Mr Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, Mr Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rosindell, Andrew
 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
 Stephenson, Andrew
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Streeter, Mr Gary
 Stride, Mel
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Sir Desmond
 Swire, rh Mr Hugo
 Syms, Mr Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tugendhat, Tom
 Turner, Mr Andrew
 Vaizey, rh Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Mrs Theresa
 Walker, Mr Charles
 Wallace, Mr Ben
 Warburton, David
 Warman, Matt
 Wharton, James
 Whately, Helen
 Wheeler, Heather
 White, Chris
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williams, Craig
 Williamson, rh Gavin
 Wilson, Mr Rob
 Wilson, Sammy
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, William
 Wright, rh Jeremy

Tellers for the Noes:
Mark Spencer and
Chris Heaton-Harris

Question accordingly negated.

New Clause 6

TAX ON CARRIAGE OF PASSENGERS BY AIR

“(1) In Part 4A of the Government of Wales Act 2006, after Chapter 4 insert—

“CHAPTER 5

TAX ON CARRIAGE OF PASSENGERS BY AIR

1160 Tax on carriage of passengers by air

(1) A tax charged on the carriage of passengers by air from airports in Wales is a devolved tax.

(2) Tax may not be charged in accordance with that provision on the carriage of passengers boarding aircraft before the date appointed under subsection (6).

(3) Chapter 4 of Part 1 of The Finance Act 1994 (air passenger duty) is amended as follows.

(4) In section 28(4) (a chargeable passenger is a passenger whose journey begins at an airport in the United Kingdom), for “England, Wales or Northern Ireland” substitute “England, Wales or Northern Ireland”.

(5) In section 31(4B) (exception for passengers departing from airports in designated region of the United Kingdom) for “England, Wales or Northern Ireland” substitute “England or Northern Ireland”.

(6) Subsections (3) to (5) have effect in relation to flights beginning on or after such date as the Treasury appoint by regulations made by statutory instrument.”—(*Jonathan Edwards.*)

This new Clause would make air passenger duty a devolved tax in Wales, on the lines of section 17 of the Scotland Act 2016.

Brought up, and read the First time.

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

The House divided: Ayes 195, Noes 281.

Division No. 64]

[9.21 pm

AYES

Abrahams, Debbie	Danczuk, Simon
Ahmed-Sheikh, Ms Tasmina	David, Wayne
Alexander, Heidi	Davies, Geraint
Arkless, Richard	Day, Martyn
Ashworth, Jonathan	De Piero, Gloria
Bailey, Mr Adrian	Donaldson, rh Sir Jeffrey M.
Beckett, rh Margaret	Doughty, Stephen
Benn, rh Hilary	Dowd, Jim
Berger, Luciana	Dowd, Peter
Betts, Mr Clive	Eagle, Maria
Black, Mhairi	Edwards, Jonathan
Blackman-Woods, Dr Roberta	Efford, Clive
Blomfield, Paul	Elliott, Julie
Boswell, Philip	Ellman, Mrs Louise
Bradshaw, rh Mr Ben	Elmore, Chris
Brennan, Kevin	Esterson, Bill
Brock, Deidre	Evans, Chris
Brown, rh Mr Nicholas	Farron, Tim
Bryant, Chris	Ferrier, Margaret
Buck, Ms Karen	Fitzpatrick, Jim
Burden, Richard	Flelo, Robert
Burgon, Richard	Fletcher, Colleen
Butler, Dawn	Flint, rh Caroline
Byrne, rh Liam	Flynn, Paul
Cadbury, Ruth	Fovargue, Yvonne
Campbell, rh Mr Alan	Foxcroft, Vicky
Campbell, Mr Gregory	Furniss, Gill
Champion, Sarah	Gapes, Mike
Chapman, Douglas	Gibson, Patricia
Chapman, Jenny	Glass, Pat
Coaker, Vernon	Glindon, Mary
Cooper, Julie	Grady, Patrick
Cooper, rh Yvette	Grant, Peter
Cowan, Ronnie	Green, Kate
Coyle, Neil	Greenwood, Margaret
Crawley, Angela	Griffith, Nia
Creagh, Mary	Haigh, Louise
Creasy, Stella	Hanson, rh Mr David
Cruddas, Jon	Harris, Carolyn
Cryer, John	Hayes, Helen
Cummins, Judith	Hayman, Sue
Cunningham, Alex	Healey, rh John
Cunningham, Mr Jim	Hendrick, Mr Mark
Dakin, Nic	Hermon, Lady

Hodgson, Mrs Sharon
 Hoey, Kate
 Hollern, Kate
 Hopkins, Kelvin
 Howarth, rh Mr George
 Hunt, Tristram
 Huq, Dr Rupa
 Jarvis, Dan
 Johnson, rh Alan
 Jones, Gerald
 Jones, Graham
 Jones, Helen
 Jones, Mr Kevan
 Jones, Susan Elan
 Kane, Mike
 Kendall, Liz
 Kinahan, Danny
 Kyle, Peter
 Lamb, rh Norman
 Leslie, Chris
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Lucas, Caroline
 Lucas, Ian C.
 Lynch, Holly
 Mactaggart, rh Fiona
 Madders, Justin
 Malhotra, Seema
 Mann, John
 Marsden, Gordon
 Maskell, Rachael
 Matheson, Christian
 McDonald, Stuart C.
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McLaughlin, Anne
 McMahon, Jim
 Mearns, Ian
 Miliband, rh Edward
 Monaghan, Dr Paul
 Moon, Mrs Madeleine
 Morden, Jessica
 Morris, Grahame M.
 Murray, Ian
 Nandy, Lisa
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Owen, Albert
 Paterson, Steven
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess

Phillipson, Bridget
 Pound, Stephen
 Powell, Lucy
 Reed, Mr Steve
 Rees, Christina
 Reynolds, Jonathan
 Ritchie, Ms Margaret
 Robinson, Gavin
 Robinson, Mr Geoffrey
 Rotheram, Steve
 Saville Roberts, Liz
 Shannon, Jim
 Sharma, Mr Virendra
 Sheppard, Tommy
 Sherriff, Paula
 Shuker, Mr Gavin
 Siddiq, Tulip
 Simpson, David
 Skinner, Mr Dennis
 Slaughter, Andy
 Smith, rh Mr Andrew
 Smith, Angela
 Smith, Cat
 Smith, Jeff
 Smith, Nick
 Starmer, Keir
 Stephens, Chris
 Streeting, Wes
 Stuart, rh Ms Gisela
 Tami, Mark
 Thewliss, Alison
 Thomas-Symonds, Nick
 Trickett, Jon
 Turley, Anna
 Turner, Karl
 Twigg, Derek
 Twigg, Stephen
 Umunna, Mr Chuka
 Vaz, Valerie
 Weir, Mike
 West, Catherine
 Whiteford, Dr Eilidh
 Whitehead, Dr Alan
 Williams, Hywel
 Williams, Mr Mark
 Wilson, Phil
 Wilson, Sammy
 Winnick, Mr David
 Winterton, rh Dame Rosie
 Wishart, Pete
 Zeichner, Daniel

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
 Bacon, Mr Richard
 Baldwin, Harriett
 Barclay, Stephen
 Baron, Mr John
 Barwell, Gavin
 Bebb, Guto
 Bellingham, Sir Henry
 Beresford, Sir Paul
 Berry, James
 Blackman, Bob
 Blunt, Crispin
 Boles, Nick
 Bone, Mr Peter
 Borwick, Victoria
 Bottomley, Sir Peter
 Bradley, rh Karen
 Brady, Mr Graham

Brazier, Mr Julian
 Bridgen, Andrew
 Brine, Steve
 Bruce, Fiona
 Buckland, Robert
 Burns, Conor
 Burns, rh Sir Simon
 Burt, rh Alistair
 Cairns, rh Alun
 Carmichael, Neil
 Cartledge, James
 Cash, Sir William
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, rh Greg
 Clarke, rh Mr Kenneth
 Cleverly, James
 Coffey, Dr Thérèse
 Collins, Damian
 Colvile, Oliver
 Costa, Alberto
 Crabb, rh Stephen
 Crouch, Tracey
 Davies, Byron
 Davies, Chris
 Davies, David T. C.
 Davies, Glyn
 Davies, Dr James
 Davies, Mims
 Dinanage, Caroline
 Djanogly, Mr Jonathan
 Donelan, Michelle
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drummond, Mrs Flick
 Duddridge, James
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Ellis, Michael
 Ellison, Jane
 Ellwood, Mr Tobias
 Elphicke, Charlie
 Evans, Graham
 Evans, Mr Nigel
 Evennett, rh David
 Fabricant, Michael
 Fallon, rh Michael
 Fernandes, Suella
 Foster, Kevin
 Fox, rh Dr Liam
 Francois, rh Mr Mark
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fuller, Richard
 Fysh, Marcus
 Garnier, rh Sir Edward
 Garnier, Mark
 Gauke, rh Mr David
 Ghani, Nusrat
 Gibb, Mr Nick
 Gillan, rh Mrs Cheryl
 Glen, John
 Goldsmith, Zac
 Goodwill, Mr Robert
 Gove, rh Michael
 Grant, Mrs Helen
 Grayling, rh Chris

Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Grieve, rh Mr Dominic
 Griffiths, Andrew
 Gummer, rh Ben
 Gyimah, Mr Sam
 Halfon, rh Robert
 Hall, Luke
 Hancock, rh Matt
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Hart, Simon
 Haselhurst, rh Sir Alan
 Hayes, rh Mr John
 Heald, Sir Oliver
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 Hinds, Damian
 Hoare, Simon
 Hollingbery, George
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Mr Adam
 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
 Jenrick, Robert
 Johnson, rh Boris
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Kennedy, Seema
 Kirby, Simon
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Latham, Pauline
 Leadsom, rh Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Leslie, Charlotte
 Letwin, rh Mr Oliver
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David
 Lilley, rh Mr Peter
 Loughton, Tim
 Lumley, Karen
 Mackinlay, Craig
 Mackintosh, David
 Main, Mrs Anne
 Mak, Mr Alan
 Malthouse, Kit
 Mann, Scott
 Mathias, Dr Tania
 Maynard, Paul

McCartney, Jason
 McCartney, Karl
 McPartland, Stephen
 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
 Newton, Sarah
 Nokes, Caroline
 Nuttall, Mr David
 Offord, Dr Matthew
 Opperman, Guy
 Osborne, rh Mr George
 Parish, Neil
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Mike
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Phillips, Stephen
 Philp, Chris
 Pickles, rh Sir Eric
 Pincher, Christopher
 Poulter, Dr Daniel
 Prentis, Victoria
 Prisk, Mr Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, Mr Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Mary
 Rosindell, Andrew
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Selous, Andrew
 Shapps, rh Grant
 Sharma, Alok
 Shelbrooke, Alec
 Simpson, rh Mr Keith

Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Solloway, Amanda
 Soubry, rh Anna
 Spelman, rh Mrs Caroline
 Stephenson, Andrew
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Streeter, Mr Gary
 Stride, Mel
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Sir Desmond
 Swire, rh Mr Hugo
 Syms, Mr Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tugendhat, Tom
 Turner, Mr Andrew
 Vaizey, rh Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Mrs Theresa
 Walker, Mr Charles
 Wallace, Mr Ben
 Warburton, David
 Warman, Matt
 Wharton, James
 Whately, Helen
 Wheeler, Heather
 White, Chris
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williams, Craig
 Williamson, rh Gavin
 Wilson, Mr Rob
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
Mark Spencer and
Chris Heaton-Harris

Question accordingly negated.

Clause 38

ASSOCIATED DEVELOPMENT OF OVERHEAD LINES

Amendments made: 23, page 32, line 12, after “generating station”, insert “granted planning permission or”.

This amendment is to pick up the phrasing of the Town and Country Planning Act 1990, which refers to planning permission being granted rather than consent.

Amendment 24, page 32, line 25, after “generating station”, insert “granted planning permission or”.—(*Alun Cairns.*)

This amendment is to pick up the phrasing of the Town and Country Planning Act 1990, which refers to planning permission being granted rather than consent.

Clause 42

MARINE LICENSING IN THE WELSH OFFSHORE REGION

Amendment made: 25, page 34, line 26, at end insert—

“() In section 241 (marine licensing: Northern Ireland), in subsection (3)—

(a) in paragraph (a), for “or the Welsh inshore region” substitute “, the Welsh inshore region or the Welsh offshore region”;

(b) after that paragraph insert—

“(aa) any activity in the Welsh offshore region falling within the subject matter of Part 6 of the Merchant Shipping Act 1995 (pollution etc).”.—(*Alun Cairns.*)

The subsection inserted by this amendment amends section 241 of the Marine and Coastal Access Act 2009 as subsections (2) to (4) amend sections 113, 236 and 240.

Schedule 5

MINOR AND CONSEQUENTIAL AMENDMENTS

Amendments made: 43, page 97, line 4, at the end insert—

“4A (1) Section 116 (Welsh Seal and Letters Patent) is amended as follows.

(2) In the heading, for “and Letters Patent” substitute “: Letters Patent and proclamations”.

(3) In subsection (3), at the end insert “and all royal proclamations under section 4(2) and section 5(4), which have passed under the Welsh Seal”.

This amendment inserts a paragraph into Schedule 5 of the Bill to allow Orders in Council to be used to make provision about the form, content and publication of proclamations under the provisions inserted by amendments 11 and 12.

Amendment 44, page 105, line 2, at end insert—

“National Audit Act 1983 (c. 44)

28A (1) Section 6 of the National Audit Act 1983 (public departments etc) is amended as follows.

(2) In subsection (3) omit paragraphs (aa) and (ab).

(3) In subsection (3)(b) omit the words “, Schedule 9 to the National Health Service (Wales) Act 2006”.

(4) Omit subsection (3A).

28B (1) Section 8 of that Act (right to obtain documents and information) is amended as follows.

(2) In subsection (1) omit the words “and except in relation to an examination under section 6 above in respect of the Welsh Ministers or the National Assembly for Wales Commission”.

(3) Omit subsections (3), (4) and (5).

28C In section 9 of that Act (reports to House of Commons) omit subsection (2).”.

The paragraphs inserted by this amendment are consequential on amendment 18.

Amendment 45, page 108, line 10, at end insert—

“39A In section 36 of the Electricity Act 1989 (consents required for construction etc of generating stations), after subsection (8) insert—

“(8A) The Welsh Ministers may by regulations make provision about the grant of consents under section 36 or 37 in relation to Welsh waters, including in particular provision about—

- (a) the making and withdrawal of applications;
- (b) fees;
- (c) publicity and consultation requirements;
- (d) rights to make representations;
- (e) public inquiries;
- (f) consideration of applications.””

The paragraph inserted by this amendment gives the Welsh Ministers power to determine the process applicable to applications for their consent under the Electricity Act 1989 - i.e. applications for consent for generating stations in Welsh waters that do not exceed 350 MW.

Amendment 46, page 108, line 21, at end insert—

“40A (1) Schedule 8 to that Act (consents under sections 36 and 37) is amended as follows.

(2) In the heading, after “consents” insert “of the Secretary of State and the Scottish Ministers”.

(3) In paragraph 8 (supplemental), after sub-paragraph (1) insert—

“(1A) In this Schedule references to applications for consent shall not include applications to the Welsh Ministers.””

This amendment is consequential on amendment 45.

Amendment 47, page 108, line 31, at end insert—

“*Human Fertilisation and Embryology Act 1990 (c. 37)*

41A In section 45A of the Human Fertilisation and Embryology Act 1990 (power to make consequential provision), in subsection (4), for the words from “a Measure” to “an Act of the Assembly”) substitute “an Act of the Assembly”.

The paragraph inserted by this amendment removes an obsolete reference to Assembly Measures.

Amendment 48, page 108, line 31, at end insert—

“*Government of Wales Act 1998 (c. 38)*

41B In section 145 of the Government of Wales Act 1998 (examinations into use of resources) omit subsection (6).

41C In Schedule 6 to that Act (Her Majesty’s Chief Inspector of Education and Training in Wales) omit paragraph 9.

Care Standards Act 2000 (c. 14)

41D In Schedule 2 to the Care Standards Act 2000 (the Children’s Commissioner for Wales) omit paragraph 12.”.

The paragraphs inserted by this amendment are consequential on amendment 18.

Amendment 49, page 108, line 31, at end insert—

“*Local Government Act 2000 (c. 22)*

41E In section 7 of the Local Government Act 2000 (power to modify enactments concerning plans etc: Wales), in subsection (9), for the words after “For the purposes of subsection (8),” substitute “section 108A of the Government of Wales Act 2006 (legislative competence) has effect as if subsection (2)(c) of that section and paragraph 1 of Schedule 7B to that Act were omitted.”

Female Genital Mutilation Act 2003 (c. 31)

41F (1) Section 5C of the Female Genital Mutilation Act 2003 (guidance) is amended as follows.

(2) In subsection (4)(a), for “a body exercising devolved Welsh functions” substitute “a Wales public authority”.

(3) For subsection (5) substitute—

“(5) In subsection (4)(a) “Wales public authority” has the same meaning as in the Government of Wales Act 2006 (see section 157A of that Act).””

The paragraphs inserted by this amendment amend a statutory provision referring to the legislative competence of the Welsh Assembly (to reflect the Government of Wales Act 2006 as amended by the Bill) and substitute a reference to “Wales public authorities” (see clause 4).

Amendment 50, page 108, line 31, at end insert—

“*Energy Act 2004 (c. 20)*

41G (1) Section 192 of the Energy Act 2004 (powers exercisable by statutory instrument) is amended as follows.

(2) In subsection (1), after “the Secretary of State” insert “, the Welsh Ministers”.

(3) In subsection (2)(a), after “regulations” insert “made by the Secretary of State or the Treasury”.

(4) After subsection (2) insert—

“(2A) Where —

(a) this Act provides for an order or regulations made by the Welsh Ministers to be subject to the negative resolution procedure, and

(b) a draft of the order or regulations has not been required, in accordance with this or any other enactment, to be laid before and approved by a resolution of the National Assembly for Wales,

the statutory instrument containing the order or regulations shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

(5) In subsection (3), for “the power” substitute “a power of the Secretary of State or the Treasury”.

(6) In subsection (4), after “the Secretary of State” insert “, the Welsh Ministers”.

41H In Schedule 16 to that Act (applications and proposals for notices under section 95), in paragraph 9(a), after “the Secretary of State” insert “or the Welsh Ministers”.

The paragraphs inserted by this amendment deal with the negative resolution procedure for regulations etc made by the Welsh Ministers under the modified Energy Act 2004.

Amendment 51, page 108, line 31, at end insert—

“*Public Services Ombudsman (Wales) Act 2005 (c. 10)*

41I In Schedule 1 to the Public Services Ombudsman (Wales) Act 2005 (appointment etc) omit paragraph 20.

Commissioner for Older People (Wales) Act 2006 (c. 30)

41J In Schedule 1 to the Commissioner for Older People (Wales) Act 2006 (the Commissioner) omit paragraph 14.”.

The paragraphs inserted by this amendment are consequential on amendment 18.

Amendment 52, page 108, line 31, at end insert—

“*Legislative and Regulatory Reform Act 2006 (c. 51)*

41K (1) Section 24 of the Legislative and Regulatory Reform Act 2006 (functions to which sections 21 and 22 apply) is amended as follows.

(2) Omit the definition of “Welsh regulatory function” in subsection (10).

(3) After that subsection insert—

“(11) For the purposes of this section a regulatory function is a “Welsh regulatory function” if or to the extent that it is exercisable in relation to Wales and is a function which—

(a) could be conferred by provision falling within the legislative competence of the National Assembly for Wales (see section 108A of the Government of Wales Act 2006), or

(b) relates to matters in respect of which functions are exercisable by the Welsh Ministers.”

41L In section 27 of that Act (power to make orders, rules and schemes), in subsection (6), for paragraph (c) substitute—

“(c) so far as they are powers that—

(i) could be conferred by provision falling within the legislative competence of the National Assembly for Wales, or

(ii) are exercisable in relation to matters in respect of which functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government,

shall also be exercisable by the Welsh Ministers.”

Statistics and Registration Service Act 2007 (c. 18)

41M In section 66 of the Statistics and Registration Service Act 2007 (devolved statistics), for subsection (3) substitute—

“(3) In this Part “Welsh devolved statistics” means statistics which relate to the exercise of functions by a Wales public authority (within the meaning given by section 157A of the Government of Wales Act 2006), other than statistics produced by a person acting on behalf of—

- (a) the Crown, or
- (b) a public authority,

in the exercise of functions that could not be conferred by provision falling within the legislative competence of the National Assembly for Wales (see section 108A of that Act).”

Consumers, Estate Agents and Redress Act 2007 (c. 17)

41N In section 37 of the Consumers, Estate Agents and Redress Act 2007 (extension of the functions of Citizens Advice etc), in subsection (5), for the words from “a Measure” to “an Act of the Assembly” substitute “an Act of the Assembly”.

Regulatory Enforcement and Sanctions Act 2008 (c. 13)

41O In section 74 of the Regulatory Enforcement and Sanctions Act 2008 (general interpretation), in paragraph (a) of the definition of “devolved Welsh matter”, for “section 108” substitute “section 108A”.

Human Fertilisation and Embryology Act 2008 (c. 22)

41P In section 64 of the Human Fertilisation and Embryology Act 2008 (power to make consequential and transitional provision etc), in subsection (6), for the words from “a Measure” to “an Act of the Assembly” substitute “an Act of the Assembly”.

Climate Change Act 2008 (c. 27)

41Q In section 70 of the Climate Change Act 2008 (interpretation), in subsections (4)(b) and (6)(b), for “relating to matters within” substitute “capable of being conferred by provision falling within”.

The new paragraphs inserted by this amendment amend statutory provisions referring to the legislative competence of the Welsh Assembly (to reflect the Government of Wales Act 2006 as amended by the Bill) and remove obsolete references to Assembly Measures.

Amendment 53, page 108, line 31, at end insert—

“Planning Act 2008 (c. 29)

41R In section 149A of the Planning Act 2008 (deemed consent under a marine licence), in subsection (3)(b), after “the Secretary of State” insert “or the Welsh Ministers”.

41S Omit section 202 of that Act (powers of National Assembly for Wales).

41T In Schedule 5 to that Act (provision relating to, or to matters ancillary to, development), in paragraphs 30A and 30B, after “the Secretary of State” insert “or the Welsh Ministers”.

Section 202 of the Planning Act 2008 is repealed by this amendment because it amends a provision that has itself been repealed. The other two amendments are consequential on the fact that the Welsh Ministers will be able to issue marine licences in Welsh waters beyond the territorial sea.

Amendment 54, page 108, line 38, at end insert—

“43 In section 13 of that Act (safety zones: functions under section 95 of the Energy Act 2004), in subsection (3)—

- (a) in paragraph (a) omit “or”;
- (b) after paragraph (b) insert—
 - “(c) any area of the Welsh inshore region, or
 - (d) any area of the Welsh offshore region.”

The paragraph inserted by this amendment amends section 13 of the Marine and Coastal Access Act 2009 as paragraph 42 amends section 12.

Amendment 55, page 108, line 38, at end insert—

“44 In section 60 of that Act (meaning of “retained functions” etc), in subsection (4), in paragraph (c) of the definition of “secondary devolved Welsh functions”, for “relating to matters within” substitute “they are capable of being conferred by provision falling within”.

The paragraph inserted by this amendment amends a statutory provision referring to the legislative competence of the Welsh Assembly (to reflect the Government of Wales Act 2006 as amended by the Bill).

Amendment 56, page 108, line 38, at end insert—

“45 (1) Section 78 of that Act (special procedure for applications relating to harbour works) is amended as follows.

(2) In subsection (5), after “subsection (6)(c) or (d)” insert “or (6A)(b)”.

(3) In subsection (6), at the beginning insert “Subject to subsection (6B),”.

(4) After that subsection insert—

“(6A) The Welsh Ministers may by regulations—

- (a) make provision falling within subsection (7) for cases where—
 - (i) the Welsh Ministers are both the marine licence authority and the harbour order authority, and
 - (ii) they have decided that the two applications are to be considered together and have given notice of that decision to the applicant;
- (b) make provision falling within subsection (7) or (8) for cases where—
 - (i) the Welsh Ministers are both the marine licence authority and the harbour order authority, and
 - (ii) they have concluded that one of the applications is not going to be made.

(6B) The Secretary of State may not make provision under this section for cases where the Welsh Ministers are both the marine licence authority and the harbour order authority.”

46 (1) Section 79 of that Act (special procedure for applications relating to certain electricity works) is amended as follows.

(2) In subsection (5), after “subsection (6)(c) or (d)” insert “or (6A)(b)”.

(3) In subsection (6), at the beginning insert “Subject to subsection (6B),”.

(4) After that subsection insert—

“(6A) The Welsh Ministers may by regulations—

- (a) make provision falling within subsection (7) for cases where—
 - (i) the Welsh Ministers are both the marine licence authority and the generating station authority, and
 - (ii) they have decided that the two applications are to be considered together and have given notice of that decision to the applicant;
- (b) make provision falling within subsection (7) or (8) for cases where—
 - (i) the Welsh Ministers are both the marine licence authority and the generating station authority, and
 - (ii) they have concluded that one of the applications is not going to be made.

(6B) The Secretary of State may not make provision under this section for cases where the Welsh Ministers are both the marine licence authority and the generating station authority.”

(5) In subsection (9), in the definition of “generating station authority”, at the end insert—

- (c) the Welsh Ministers, in any case where the generating station application falls (or would fall) to be determined by the Welsh Ministers;”.

This amendment gives the Welsh Ministers powers to make provision about the application procedure to be followed in circumstances where they are both the marine licence authority and the harbour order authority or generating station authority.

Amendment 57, page 108, line 38, at end insert—

“Welfare Reform Act 2009 (c. 24)

47 In section 45 of the Welfare Reform Act 2009 (the appropriate authority by which regulations under section 41 are made), in subsection (2)(b), for the words from “a Measure” to “an Act of the Assembly” substitute “an Act of the Assembly”.

Equality Act 2010 (c. 15)

48 (1) Section 2 of the Equality Act 2010 (power to amend section 1) is amended as follows.

(2) In subsection (6), for the words from “an authority” to “correspond” substitute “a Wales public authority (within the meaning given by section 157A of the Government of Wales Act 2006) whose functions correspond”.

(3) In subsection (11) omit paragraph (b).

49 (1) Section 157 of that Act (interpretation) is amended as follows.

(2) For subsection (2) substitute—

“(2) A relevant Welsh authority is a Wales public authority (within the meaning given by section 157A of the Government of Wales Act 2006) other than the Assembly Commission.”

(3) For subsection (5) substitute—

“(5) A function is a devolved Welsh function if—

(a) it relates to a matter in respect of which functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government, or

(b) provision conferring the function would be within the legislative competence of the National Assembly for Wales.”

Flood and Water Management Act 2010 (c. 29)

50 In section 28 of the Flood and Water Management Act 2010 (power to make further amendments), in subsection (3), for paragraph (a) substitute—

“(a) the Welsh Ministers, where the amendment—

(i) relates to a matter in respect of which functions may be exercised by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government, or

(ii) would be within the legislative competence of the National Assembly for Wales if contained in an Act of the Assembly, and”.

Budget Responsibility and National Audit Act 2011 (c. 4)

51 In Schedule 5 to the Budget Responsibility and National Audit Act 2011 (consequential amendments relating to Part 2) omit paragraphs 26 to 28.

52 Omit Schedule 6 to that Act (amendments of Schedules 5 and 7 to the Government of Wales Act 2006).

Police Reform and Social Responsibility Act 2011 (c. 13)

53 In Schedule 16 to the Police Reform and Social Responsibility Act 2011 (minor and consequential amendments) omit paragraph 353.

Localism Act 2011 (c. 20)

54 In section 51 of the Localism Act 2011 (meaning of “public authority” and related terms), in subsection (6)(c), for “section 108” substitute “section 108A”.

55 In section 61 of that Act (meaning of “Welsh public authority” and related terms), in subsection (4), for “section 108” substitute “section 108A”.

56 In Schedule 13 to that Act (Infrastructure Planning Commission: transfer of functions to Secretary of State) omit paragraph 79.

Protection of Freedoms Act 2012 (c. 9)

57 In Schedule 3 to the Protection of Freedoms Act 2012 (corresponding code of practice for Welsh devolved powers of entry), in paragraph 1(1), for the words after paragraph (a) substitute—

“(b) associated powers.

The code may only contain provision that would be within the legislative competence of the National Assembly for Wales if contained in an Act of the Assembly.”

Energy Act 2013 (c. 32)

58 In Schedule 12 to the Energy Act 2013 (minor and consequential amendments) omit paragraph 90.

Public Audit (Wales) Act 2013 (anaw 3)

59 In Schedule 4 to the Public Audit (Wales) Act 2013 (minor and consequential amendments) omit paragraph 78.

Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)

60 In Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (minor and consequential amendments) omit paragraph 43.

Water Act 2014 (c. 21)

61 In Schedule 7 to the Water Act 2014 (further amendments) omit paragraph 135.

Wales Act 2014 (c. 29)

62 In section 6 of the Wales Act 2014 (taxation: introductory) omit subsections (3) and (7) to (9).

63 In section 7 of that Act (amendments relating to the Commissioners for Revenue and Customs) omit subsection (14).

64 Omit section 22 of that Act (budgetary procedures).

Counter-Terrorism and Security Act 2015 (c. 6)

65 In section 29 of the Counter-Terrorism and Security Act 2015 (power to issue guidance), in subsection (4)(a), for “a Welsh authority” substitute “a Wales public authority”.

66 In section 30 of that Act (power to give directions: general), in subsection (3), for “a Welsh authority” substitute “a Wales public authority”.

67 (1) Section 35 of that Act (Chapter 1: interpretation), is amended as follows.

(2) For subsection (4) substitute—

“(4) “Wales public authority” has the same meaning as in the Government of Wales Act 2006 (see section 157A of that Act).”

(3) For subsection (5) substitute—

“(5) A function is a “devolved Welsh function” if—

(a) it relates to a matter in respect of which functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government, or

(b) provision conferring the function would be within the legislative competence of the National Assembly for Wales.”

Deregulation Act 2015 (c. 20)

68 (1) Section 109 of the Deregulation Act 2015 (functions to which section 108 of that Act applies) is amended as follows.

(2) In subsection (3)(c), for “relates to matters which are devolved Welsh matters” substitute “could be conferred by provision falling within the legislative competence of the National Assembly for Wales”.

(3) In subsection (6) omit the definition of “devolved Welsh matter”.

Small Business, Enterprise and Employment Act 2015 (c. 26)

69 In section 18 of the Small Business, Enterprise and Employment Act 2015 (power to specify regulatory functions), in subsection (5)(c), for “section 108” substitute “section 108A”.

70 In section 22 of that Act (meaning of “qualifying regulatory provisions” etc), in subsection (7)(c), for “section 108” substitute “section 108A”.

71 In section 39 of that Act (regulations about procurement), in subsection (4)—

(a) after “if” insert “it is a Wales public authority (within the meaning given by section 157A of the Government of Wales Act 2006) or if”;

(b) in paragraph (b) omit “or”;

(c) omit paragraph (c).

72 (1) Section 153C of that Act (power to relax restriction on public sector exit payments) is amended as follows.

(2) In subsections (5)(b), (8)(a) and (8)(b), for “relevant Welsh authority” substitute “Wales public authority”.

(3) In subsection (9), for the definition of “relevant Welsh authority” substitute—

““Wales public authority” has the same meaning as in the Government of Wales Act 2006 (see section 157A of that Act).”

73 In section 157 of that Act (power of Secretary of State to waive repayment requirement), in subsection (6)(b), for the words after “responsible authorities who” substitute “are Wales public authorities within the meaning given by section 157A of the Government of Wales Act 2006”.

Housing and Planning Act 2016 (c. 22)

74 (1) Section 207 of the Housing and Planning Act 2016 (engagement with public authorities in relation to proposals to dispose of land) is amended as follows.

(2) In subsection (6)—

(a) omit “or” at the end of paragraph (a);

(b) omit paragraph (b).

(3) After that subsection insert—

“(6A) Regulations under subsection (3) may not be made so to require a Wales public authority to carry out engagement under subsection (2).”

(4) In subsection (7), at end insert—

““Wales public authority” has the same meaning as in the Government of Wales Act 2006 (see section 157A of that Act).”

75 (1) Section 208 of that Act (duty of public authorities to prepare report of surplus land holdings) is amended as follows.

(2) For subsection (10) substitute—

“(10) Regulations may not specify a Wales public authority for the purposes of subsection (1).”

(3) In subsection (12), at the end insert—

““Wales public authority” has the same meaning as in the Government of Wales Act 2006 (see section 157A of that Act).”

Immigration Act 2016 (c. 19)

76 In section 78 of the Immigration Act 2016 (meaning of “public authority”), in subsection (5), for “functions relate to a matter which is outside” substitute “functions are functions that could not be conferred by provision falling within”. —(*Alun Cairns.*)

The new paragraphs inserted by this amendment remove an obsolete reference to Assembly Measures; substitute references to “Wales public authorities” (see clause 4); amend statutory provisions referring to the legislative competence of the Welsh Assembly (to reflect the Government of Wales Act 2006 as amended by the Bill); and remove provisions amending enactments repealed by the Bill.

Schedule 6

TRANSITIONAL PROVISIONS

Amendments made: 58, page 110, line 32, leave out sub-paragraph (1) and insert—

“(1) The amendments made by sections 36 to 38 and paragraphs 39A and 40A of Schedule 5 do not apply in relation to the determination of an application that is made before the date on which section 36 of this Act comes into force.

(1A) For the purposes of paragraph (1)—

(a) an application under section 37 of the Planning Act 2008 is not made until its acceptance has been notified to the applicant under section 55 of that Act;

(b) an application under section 36 of the Electricity Act 1989 is not made until the requirements in paragraph 1(1) of Schedule 8 to that Act (as modified by paragraph 7A(3) of that Schedule) are met;

(c) an application under section 36C of the Electricity Act 1989 is not made until the appropriate authority (as defined in section 36C(6)) has given notice under regulation 4(6) of the Electricity Generating Stations (Variation of Consent) (England and Wales) Regulations 2013 (S.I. 2013/648).”

This amendment creates a transitional period so that the Secretary of State will be responsible for pre-commencement applications for consent to build and operate generating stations, for declarations and for variations of existing consents under the Planning Act 2008 or the Electricity Act 1989.

Amendment 59, page 111, line 42, at end insert—

“Safety zones around renewable energy installations

10 The amendments made by section (*Safety zones around renewable energy installations*) do not apply in relation to the determination of an application made under section 95(3)(a) of the Energy Act 2004 that is made before the date on which section (*Safety zones around renewable energy installations*) of this Act comes into force.

11 For the purposes of paragraph 10 an application is not made until the requirements of paragraph 3 of Schedule 16 to the Energy Act 2004 are met, including the supply of any information prescribed by regulations made under paragraph 3(2)(b) of that Schedule.”—(*Alun Cairns.*)

This amendment creates a transitional period so that the Marine Management Organisation will continue to be responsible for pre-commencement applications for the creation of safety zones under section 95 of the Energy Act 2004.

Third Reading

9.33 pm

Alun Cairns: I beg to move, That the Bill be now read the Third time.

I start by thanking right hon. and hon. Members for their participation in our debates as the Bill has passed through the House. The scrutiny has been robust, and the Bill will be in a much better place as it arrives in the other place. The number of positive and constructive amendments that have been agreed today stand as testimony to that scrutiny. I thank my officials and those in other Departments in Whitehall for their contributions and support.

I thank the First Minister and the Presiding Officer in the Assembly for their continued constructive engagement in the process. Our discussions have run alongside those which have taken place in Parliament and have resulted in the Bill being amended to address concerns that they raised. I will continue to work with the First Minister to ensure his full support for the Bill, and to enable the Welsh Government to bring forward a legislative consent motion as early as possible to secure the Assembly's agreement to the Bill.

The Bill has its origins in the work that was conducted by the commission on devolution in Wales, chaired by Sir Paul Silk. Its second report, published in 2014, was significant in setting the course for a clearer, stronger and more stable devolution settlement for Wales. I pay tribute to Sir Paul and the members of the commission for their work.

I thank my predecessors as Secretary of State, including my right hon. Friend the Member for Chesham and Amersham (Mrs Gillan) for her work to establish the commission, and my right hon. Friend the Member for Clwyd West (Mr Jones) for taking forward the recommendations of the commission's first report through to the Wales Act 2014, and for overseeing the second stage of the commission's work. The St David's Day process was taken forward by my right hon. Friend the Member for Preseli Pembrokeshire (Stephen Crabb), whose contribution to the Bill was also significant. He sought to identify the recommendations of the Silk

commission's report which there was a cross-party consensus to implement. The Government committed to implementing the agreement in full.

I also give thanks to my hon. Friend the Member for Monmouth (David T. C. Davies), the Chairman of the Welsh Affairs Committee, and the members of the Committee for their scrutiny of the draft Bill published last year. The Bill before us today is stronger as a result of the Committee's work. I extend my appreciation to the Assembly's Constitutional and Legislative Affairs Committee for its scrutiny of the draft Bill.

The Bill meets the commitments in the St David's Day agreement. It delivers a devolution settlement for Wales that is clearer, fairer and stronger, and it delivers powers for a purpose. It delivers a historic package of powers to the National Assembly that will transform it into a fully fledged Welsh legislature, affirmed as a permanent part of the United Kingdom's constitutional fabric, enhancing and clarifying the considerable powers it currently has. The Assembly is accountable to the people of Wales, with powers over taxes that will make it responsible not only for how money is spent in Wales, but for how it is raised. The Bill devolves further powers that will enable the Welsh Government to make a real difference on the things that matter to the people of Wales. The Assembly will be able to decide on, for example, the planning regime for major strategic energy projects, and whether fracking should take place.

The Bill introduces a reserved powers model that addresses the glaring deficiencies in the current settlement and establishes a clear line between those subjects that are devolved to the Assembly and those that are the responsibility of the UK Parliament. Simply, anything not reserved to Parliament is devolved to the Assembly. That provides clarity for anyone living or working in Wales not only on who is responsible for what policy and who should claim credit for the right policy decisions, but on who is accountable for policies that do not deliver as promised. As the Bill has moved through the House, our debates have focused on ensuring that that devolution boundary is the right one and that the reservations are appropriate.

I am sure hon. Members will recognise that the Bill has come a long way from the one that was published in draft form just over a year ago. The list of reservations is shorter and more succinct, with a clearer rationale for the inclusion of each. Importantly, the Assembly will be able to create offences to enforce its legislation. We are also fully committed to maintaining the single legal jurisdiction that has served Wales so well. Assembly legislation can be accommodated within the single jurisdiction of England and Wales.

As part of the clearer boundary of devolved and reserved matters established in the Bill, the Bill draws a clear line between those public bodies that are the responsibility of Welsh Ministers and the Assembly, and those that are the responsibility of the UK Government and Parliament. The Bill provides clarity on who is responsible for which authority.

In conclusion, the powers in the Bill together usher in a new era of devolution to Wales: one which draws a line under the constant squabbles over where powers lie; one in which it is clear who should be held to account for the decisions on public services that people use every day; and one in which the Welsh Government are truly accountable to the people of Wales. A manifesto

commitment has been delivered that will lead to a stable devolution within a strong United Kingdom. I commend the Bill to the House.

9.40 pm

Paul Flynn: Constitutional change in Wales moves at a measured pace. It is 800 years since Wales last had the power to raise taxes. The Bill gives new dignity to our Parliament. For the first time in centuries, we have our own Parliament on the soil of our own country.

I would like to associate myself with the thanks offered by the Secretary of State for Wales. I thank my friends on the Opposition Benches from all parties, especially my hon. Friends the Members for Swansea East (Carolyn Harris) and for Newport East (Jessica Morden), who have been my constant companions. I find it something of an astonishment that I am here on the Bill; a lot has happened since First Reading. In spite of the little difficulties we may have had, the opposition presented by my hon. Friends on the Labour Benches has been robust and clear.

The Bill is, of course, a stage; it is not an ending or a full stop. We would like to go full speed ahead with the development of a separate Welsh Government with at least the powers of Scotland. That is not possible because there is a drag anchor coming from the Conservative party. I wish they would pull their anchor up and let the good ship Welsh Assembly sail free into clear waters. I am sure there are many on the Government Benches who think that the development of tax-raising powers in 800 years is a little too rushed, but we are going ahead now with the Parliament for Wales. It is not a means in itself and it is not there to build an institution or create politicians; it is there as the means to the end of creating laws that benefit the Welsh people and have that Welsh personality.

We do not claim to be superior to anyone else or any nation, but we do have a tradition of a compassion in society, of a kindness, of a subtlety, of a cleverness that is unique to the Welsh nation. It is there in its clearest forms in our arts and poetry. I was delighted, coming in today, to witness its continued flowering. A young woman I had never heard of before, Kizzy Crawford from Merthyr Tydfil, sang beautifully on the radio this morning. She does not just sing in English. She said, "It is much better when I do it in Welsh. I can say things in Welsh that I can't say in English."

The great Hungarian *littérateur* István Széchenyi asked: where is the nation? If we are looking for the personality of the nation, where is it? He said, "A nation lives in her language"—*Mae cenedl yn byw yn ei haith*. That is of great importance. What is so precious to us is the wisdom of our 1,000-year language: the subtlety and the humour that has come to us echoing down the centuries. It is our most precious gift, one that is treasured and practised in the Welsh Assembly.

If I can pray your indulgence, Mr Speaker, I would like to say a few words in the language of heaven. It is a poem that celebrates the permanence of Wales, its language and spirit:

"Aros mae'r mynyddau mawr,
Rhuo trostynt mae y gwynt;
Clywir eto gyda'r wawr
G'n bugeiliaid megys cynt.

[Paul Flynn]

Eto tyf y llygad dydd
O gylch traed y graig a'r bryn...
Mae cenhedlaeth wedi mynd
A chenhedlaeth wedi dod.
Wedi oes dymhestiog hir
Alun Mabon mwy nid yw,
Ond mae'r heniaith yn y tir
A'r alawon hen yn fyw".

Mr Speaker: I hope the hon. Gentleman will do the *Hansard* writers the great courtesy of providing them the text of that which he has just so eloquently read to the House.

9.44 pm

Mr Mark Williams: I am grateful for the opportunity to say a few words and make some concluding remarks to the Bill. Like the Secretary of State, I would like to thank the Wales Office and its officials, for invaluable briefings during the Bill's passage; the Presiding Officer of the National Assembly, Miss Elin Jones; and the Assembly Government for sharing some of their aspirational amendments, some of which will see their way on to the statute book.

As I have said throughout the process, my Liberal Democrat colleagues and I have long called for further devolution, according to the principle of Wales being able to govern its own affairs. I would go as far as to say "Home Rule". This Bill is undeniably a step in the right direction.

We have come a long way since the early days of the Assembly, which was so severely restricted in its capacity to legislate. Some of us remember from past meetings of the Welsh Affairs Select Committee the appalling process of LCOs—legislative competence orders, which were to be written in stone. The hon. Member for Caerphilly (Wayne David) particularly remembers LCOs as a Wales Office Minister at the time. The spectacle of the National Assembly having to apply for permission to legislate was appalling, but we have moved on considerably.

It has been a chequered story. We have come a long way since the draft Wales Bill, published only a year ago, which was so heavily criticised for its complexity. The large list of reservations led the Wales Governance Centre to call it

"constricting, clunky, inequitable and constitutionally short-sighted."

It was far removed from the views of the former Secretary of State when he called for a Bill that would promote "clarity, coherence, stability, workability and sustainability."

I am particularly grateful, therefore, to the present Secretary of State and the Under-Secretary, who have listened to many of the concerns.

I pay tribute to a selection of former Secretaries of State, not least to the right hon. Member for Preseli Pembrokeshire (Stephen Crabb), who did a huge amount to push forward this agenda. I was grateful when he included me in the St David's Day process. I like to think that there are Liberal fingerprints on the Bill, as we look back nostalgically to the creation of the Silk commission and what flowed from Sir Paul Silk's excellent work.

The Bill has taken into account many of the concerns that were raised during the pre-legislative scrutiny of the Welsh Affairs Committee. It is a far sight better than what we had previously, and I commend the Government for listening. As the hon. Member for Newport West (Paul Flynn) has said, however, we must not be misled into believing that the Bill provides the answer to all of Wales's governance questions, because clearly it does not. It leaves open many questions, not least the problems of jurisdiction and the growing divergence between English and Welsh law, along with the issues of devolving policing and of youth justice.

Let me repeat what I said earlier about the issue of a separate or distinct legal jurisdiction. I do not favour and never have favoured a separate one, but the current system will sooner or later require substantial reform to cope with the growing divergence of English and Welsh law. There is an inevitability about that; the Government need to be mindful of it. They are partly mindful of it, as seen through their creation of the joint working group. That is a step in the right direction, too, but I suspect that we will return to these issues in the years to come. The Bill does not go far enough, but it is a step in the right direction.

I believe that the Bill will have a positive impact on the governance of Wales. It will provide greater accountability, greater clarity and a greater say over Welsh affairs to the people of Wales. I have said this before, but there was a party political broadcast in 1951, conducted by the then deputy leader of the Liberal party, Lady Megan Lloyd George. It was a UK broadcast, but she ended up saying "Home Rule for Wales" in Welsh: "Hunanlywodraeth i Gymru". Many people in Wales understood what that meant. Many people had the aspiration. We are not yet there. I am not going to dismiss this Bill as a missed opportunity, but there are still many opportunities to be taken advantage of if Wales is to achieve home rule in the future.

9.49 pm

Wayne David: Like other Members, I recognise that the Bill is a huge improvement on the Bill that the Government introduced a few months ago. During its passage, the significance of clause 1 may not have been emphasised enough. The clause states:

"The Assembly and the Welsh Government are a permanent part of the United Kingdom's constitutional arrangements."

I know that some constitutional experts have said that that statement is more apparent than real, because one Parliament cannot bind another, but I consider it to be an important and, indeed, unprecedented declaration of confidence in the Assembly and its Government.

I also recognise that the Bill takes us forward by moving from a conferred-powers to a reserved-powers model. The list of reserved powers is shorter and clearer than the list in the draft Bill. The new definition of "Wales public authority" is, I understand, a good definition. There are also clear provisions for cross-border bodies to have legislation and to be dealt with appropriately.

However, although the Bill constitutes a step forward and, hopefully, there will be fewer legal wrangles than there have been in the past, there is still a possibility of disputes. In Scotland, for example, there have been disputes over its reserved-powers model. There have been disputes about legislation that the Scottish Government

have wanted to introduce in relation to adults and juveniles, and there has been controversy about legislation to replace council tax with a local income tax. A few years ago, there was a famous controversy over the Antarctic, which, apparently, was omitted from the list of reserved powers held by central Government. The Foreign Office went on to issue permits, but there was a distinct possibility of a legal challenge, because it seemed that, technically, it was acting illegally. The situation was only rectified when retrospective legislation was introduced in 1998. So we should not just blandly assume that there will be no legal problems. There may be some, although I hope that there will be far fewer than there have been in the recent past.

As has been pointed out by a number of experts in the constitutional unit, future disputes could have been avoided if a clear set of principles had been articulated in the Bill. I recently read an article by Alan Cogbill, who was director of the Wales Office between 2005 and 2009. He wrote:

“Articulated principles could help avert disputes. They would give the courts, if called on to adjudicate on legislative and executive powers...a basis from which to infer parliament’s intentions, instead of being called on to address what are properly political judgments.”

Unfortunately, the Bill does not do that.

I suggest, however, that this is not the end of the debate. Like other Members, I see devolution very much as a process. I hope that that issue, in particular, will be returned to in the not-too-distant future so that we can benefit from even greater clarity. I also hope that in the not-too-distant future we will not just consider devolution for Wales, Scotland and Northern Ireland, but consider it as a principle that is applicable to all parts of the United Kingdom, albeit in different ways, and I believe that the Bill will take us forward towards that goal.

9.54 pm

Hywel Williams: Let me begin by thanking our Bill team and our support staff for their excellent help in formulating our position. I thank Heledd Brooks-Jones, Ben O’Keefe, Rhian Medi Roberts and Osian Lewis. I also thank the large number of people in Wales, and not only Plaid members but people who are entirely impartial, who have been very generous with their advice and time. I also thank the Clerks, who have been unfailing in their courtesy and expert advice, and right hon. and hon. Member on both sides of the House. We have had a good debate and most of the time it has been extremely courteous and respectful, not least from myself of course. Lastly, I thank you, Mr Speaker, and your colleagues for expertly steering us through our discussions.

When the Wales Bill was reannounced in the Queen’s Speech, it was described as being intended as a strong and lasting devolution settlement for Wales. As it stands, the settlement presented to the House today in the Wales Bill is neither strong nor, I am afraid, likely to be lasting. My colleagues and I tabled carefully considered amendments in Committee and on Report, which would have substantially strengthened the Bill and have secured a fairer and more robust devolution package. Some of those amendments were compromises on our part for the sake of progressing the devolution agenda. Quite logically, we have always argued that the cross-party Silk recommendations need to be realised as a bare

minimum. I am afraid the Government have not succeeded in doing that and have been open to accusations of cherry-picking its recommendations as and when it suits them.

I say “bare minimum” because Silk is rapidly becoming out of date anyway. The powers devolved to Scotland in the Scotland Act 2016 have to a large extent superseded Silk, and while the Government are granting incentivising powers to Holyrood, Wales is left lacking in accountability and without the necessary levers over our economy. The biggest external impact on Wales is the constitutional settlement. However, there will of course be Brexit. I would argue that this Wales Bill was almost redundant from the day the people of the UK were persuaded by the chimera of absolute sovereignty, a massive diversion of Government spending and above all drastic cuts to immigration. When the people decided to leave the EU, they largely voted to gain control. That is what we heard—“Give us our country back. We want control.” It is only logical to demand that this appetite for increased accountability and transparency is replicated in the debates surrounding devolution to Wales.

As the Department for Exiting the European Union struggles and starts to untangle the mountain of legislation tied to EU laws and directives, decisions will have to be made about the repatriation of powers. The Government must not use Brexit as a power-grabbing exercise. Powers repatriated to the UK must be devolved to Wales and the Barnett formula must be revised to reflect adequately the changing nature of devolution. We are in a period of great economic uncertainty and Wales needs to renew its fiscal levers to be able to grasp the problem, to close the prosperity gap which already exists and to ensure that the instability of Brexit does not impact on the jobs and livelihoods of people in Wales.

Announcements on the boundary review are imminent—some of us will have had a sneak preview today—and the number of MPs from Wales is likely to be significantly reduced. This also must surely lead to greater responsibility and power being transferred to the National Assembly. This Wales Bill does not sufficiently address the democratic deficit we are likely to face.

This Bill has been rushed—perhaps “rushed” is too strong a word, but it has been brought through Parliament, in the end, rather quickly. It appears from our side at least to be something of a pig’s ear—unsatisfactory. It has been criticised by others as well. The leading academic Richard Wyn Jones from the Wales Governance Centre used, in that wonderful academic way, the damning word “patronising”, which holds a wealth of meaning.

It seems to have become an established pattern for successive Secretaries of State to claim to be legislating for a generation, only to see their handiwork substantially revised within four or five years. It looks as if this Bill will most definitely be revised, and possibly much sooner than in four or five years. Circumstances have changed. The main Opposition—with concerns of their own internal strife, unfortunately—have at times been absent during the scrutiny of the Bill. The exception of course is the hon. Member for Newport West (Paul Flynn), and I pay warm tribute to his efforts to ensure that the Bill received the proper scrutiny. However, half-hearted and confused calls from the Welsh Labour Government for further powers have fallen largely on deaf ears here in London. It has been Plaid Cymru’s fate to try to defend our best interests and to demand a truly robust

[Hywel Williams]

devolution settlement that will determine our course for decades to come, but I am afraid that we are still waiting for that final settlement.

The hon. Member for Newport West quoted “Alun Mabon”, the heroic poem by John Ceiriog Hughes, the superstar of Welsh poetry in the Victorian era. It repays close study by those of us who speak Welsh. I am not trying to trump the hon. Gentleman, but I would like to add to the point he was making about the Welsh language by expressing the passionate feelings that I have about it. I thought I would quote the French writer, Alphonse Daudet, who also lived in the 19th century. He wrote a short story not long after the Franco-Prussian war, when Alsace had been invaded and its culture had been changed. The only translation I have is the Welsh one:

“Pan syrth pobl yn gaethion, cyhyd ag y cadwant eu hiaith y mae fel pe dalient allwedd eu carchar.”

This translates as “When the people fall into captivity, so long as they keep their language it is as if they hold the key to their prison.”

10.1 pm

Stephen Doughty: I do not quite share the despondency of the hon. Member for Arfon (Hywel Williams) about the state of the Bill and the devolution settlement, but I agreed with a number of the points he made and it is always a pleasure to listen to him speak.

I did not have the pleasure of serving on the Committee, but I have enjoyed taking part in the debates and scrutinising the Bill in the Chamber, especially on Report. I share other Members’ scepticism about whether this is really the final settlement. I think the Secretary of State and the Minister slightly over-egged the pudding when they suggested that this would be the end of the matter. We have seen Bill after Bill and change after change during this process, and while I am a firm supporter of devolution and of the innovation and positive differences it has brought to the people of Wales, in the end they will judge the devolution settlement by the impact it has on their lives. They will judge it, for example, according to whether there is fragmentation and confusion around cross-border services, financial arrangements or the interoperability of services across the border, particularly given the geographical proximity of Wales to England. For the populations involved, our situation is slightly different from that of Scotland.

I believe, as do the First Minister and many other colleagues, that the devolution process is not finished. We need a proper constitutional convention that looks not only at the settlement of powers but at funding arrangements and at how we resolve disputes in these islands. This is particularly important as we look at the question of devolution in England as well. We could end up with a completely asymmetric devolution settlement across the UK that would be cumbersome and unworkable. I do not want to see disputes being resolved in the Supreme Court or getting lost amid technical details because the issues are far too complex. We have seen that happen in relation to many individual issues. I remember the Welsh Affairs Committee looking at the provision of NHS services across the border and, rightly or wrongly, there is increasing confusion for patients travelling across, whether in relation to funding arrangements, records or other issues. In the end, the

people of Wales—and the people of the United Kingdom—will judge devolution and the constitutional changes by applying these tests. Does this make things better for us? Do we feel more engaged? Do we understand what is going on?

We need to bear this in mind particularly as we deal with the atmosphere of the post-Brexit referendum. The Bill has many positive aspects, including the move to a reserved powers model and the devolution of powers in many areas. These are positive steps forward, but it would be a great tragedy if we were to give those new powers and responsibilities to Wales only to see the people and the Government of Wales emasculated in the Brexit negotiations. It has been suggested in some quarters, for example, that there will be no reference to decisions taken in the Welsh Assembly or to Welsh Government Ministers in what will be the most crucial constitutional negotiations this country has faced in decades. It would be perverse if powers were to be given with one hand while Wales’s future in many respects was taken away with another, whether in negotiations on agriculture or fisheries or in future trade deals. Unless we get the balance right for the role that devolved Governments and legislatures play in the process, we will make some serious mistakes.

I want to reiterate some of my previous points. We need fundamentally to reconsider the representation of the people of Wales. The boundary reforms are not being done fairly. There is the difference between the electoral register lists that the Boundary Commission have with worked with and registration levels for the European Union referendum, the fact that we continue to stack the House of Lords higher and higher while significantly cutting the number of Welsh MPs, and the lack of clarity about the future number of Assembly Members—potentially huge problems. I would like to see the House of Lords completely reformed with a strong regional and national element representing a new constitutional—and ultimately federal—settlement. That is how we can ensure the coherence of this United Kingdom and our constitution and ensure an understanding of how we can work together with difference, innovation and the special situation that devolution has delivered for the people of Wales.

I am pleased that the Bill is going forward, but this is not the end. Ultimately, the people of Wales will judge it on whether it makes things better for them and on whether they feel more engaged in the decisions that affect their lives.

Question put and agreed to.

Bill accordingly read the Third time and passed.

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)),

TERMS AND CONDITIONS OF EMPLOYMENT

That the draft National Minimum Wage (Amendment) (No. 2) Regulations 2016, which were laid before this House on 4 July, be approved.—(*Chris Heaton-Harris.*)

Question agreed to.

BUSINESS OF THE HOUSE (14 SEPTEMBER)

Ordered,

That at the sitting on Wednesday 14 September paragraph (2) of Standing Order No. 31 (Questions on amendments) shall apply to the Motion in the name of Jeremy Corbyn as if the day were an Opposition Day; proceedings on the Motion may continue, though opposed, for three hours and shall then lapse if not previously disposed of; and Standing Order No. 41A (Deferred divisions) shall not apply.—(*Mr David Lidington.*)

ENVIRONMENTAL AUDIT COMMITTEE

Ordered,

That Carolyn Harris be discharged from the Environmental Audit Committee and Dr Alan Whitehead be added.—(*Bill Wiggin, on behalf of the Committee of Selection.*)

PUBLIC ACCOUNTS COMMITTEE

Ordered,

That Deidre Brock be discharged from the Public Accounts Committee and Philip Boswell be added.—(*Bill Wiggin, on behalf of the Committee of Selection.*)

PETITION**The Royal Sutton Coldfield Green Belt**

10.8 pm

Mr Andrew Mitchell (Sutton Coldfield) (Con): I have the honour to present a petition, signed by 11,489 residents of the royal town of Sutton Coldfield, against the proposals of Labour-controlled Birmingham City Council to build 6,000 homes across our green belt.

The petition states:

The Humble Petition of citizens of the Royal Town of Sutton Coldfield,

Sheweth,

That the proposal to build 6,000 homes on the Green Belt that surrounds the Royal Town of Sutton Coldfield should not proceed while accepting that significant new housing should be built in more appropriate places.

Wherefore your Petitioners pray that your Honourable House considers this proposal and lays it aside.

And your Petitioners, as in duty bound, will ever pray.

[P001707]

Govia Thameslink Rail Service

Motion made, and Question proposed, That this House do now adjourn.—(*Chris Heaton-Harris.*)

10.9 pm

Henry Smith (Crawley) (Con): I am here this evening on behalf of constituents who continue to suffer unacceptable delays and cancelled services when simply trying to travel on the Govia Thameslink Railway network. Many, across the network, suffer daily difficulties getting into work, with some employees now facing disciplinary action, and others missing precious family time in the evenings, because they are stuck on platforms. As a daily commuter to London, I know this all too well; this has been the case for almost 12 months now.

I thank right hon. and hon. Members from all parts of the House for their attendance at this hour. I also express my gratitude to the new rail Minister and publicly thank him for coming to Three Bridges station in Crawley on one of his first visits following his deserved appointment in July. As right hon. and hon. Members from across the Chamber will be only too aware, all of our constituents who travel on this network are affected. The cross-party nature of this issue is underlined by the composition of the all-party group on Southern rail, set up in this Parliament in the interests of passengers. The cross-party work of the group is shown in its co-chairs: my right hon. Friend the Member for Mid Sussex (Sir Nicholas Soames) and the hon. Member for Hove (Peter Kyle).

On 11 July, 341 services on the Govia Thameslink network were removed, to counter the disruption that resulted from the so-called staff sickness situation at the time. Last week, on 5 September, 119 of those services were reinstated—but, Sussex passengers have yet to see any benefit. On the same day, the Minister stated:

“The remaining trains will be reinstated to the timetable incrementally in the coming weeks.”—[*Official Report*, 5 September 2016; Vol. 614, c. 4WS.]

That is, of course, welcome news, but is he able to offer any further update about the discussions he has had on this matter with both GTR and Network Rail?

I am also grateful to representatives from GTR for coming to Crawley in August and speaking at a public meeting I organised in front of an audience of more than 150 constituents. This meeting came a few weeks before the Government announced a package of measures, which I welcome, to improve the resilience of the Southern network, including a £20 million fund. At that meeting, one of GTR's representatives told us how the new franchise had struggled to make a profit. The following week, it was announced that GTR's parent company, Go-Ahead, posted a profit of about £100 million. A number of my constituents have, understandably, asked me in recent days why taxpayers are paying for the £20 million of improvement works announced in the last fortnight. I would be grateful if the Minister addressed that point, particularly with respect to any discussions he may have had with the company in this regard.

Tim Loughton (East Worthing and Shoreham) (Con): I congratulate my hon. Friend on, yet again, debating probably the most debated train operating company in the country, and I echo his words of welcome for the greater sense of urgency that the new Minister has brought. Does he not agree that, given the profits

[Tim Loughton]

recently announced by the parent company and the considerable amount of revenues in this company, at the very least those many thousands of passengers, particularly the season ticket holders—our constituents—should receive some significant compensation when they are renewing their season tickets, to go some way to making up for the shambles they have had to suffer for the past 12 months?

Henry Smith: My hon. Friend anticipates a couple of points I will raise in a few moments, but I agree with him that the Department for Transport needs to look at the cost to season ticket holders in particular, when it comes to the new year. I will come on to mention the need for more swift compensation for those passengers who have been adversely affected.

Of course, as well as the £20 million of investment, the Government have announced a new project board. The Department has said that this is to achieve a rapid improvement to the service, and I sincerely hope that this means we will see benefits in the weeks ahead, rather than in the months to come.

Caroline Lucas (Brighton, Pavilion) (Green): I congratulate the hon. Gentleman on securing this important debate. As he says, he is speaking for all our constituents whose lives are being wrecked by the incompetence of this rail company. Does he agree that that new project board might do better if it had more passenger representatives? Passengers feel locked out from many of the decisions that are being taken, but I understand that there is going to be only one of them on that board.

Henry Smith: I am grateful to the hon. Lady for intervening, and I pay tribute to her for the cross-party way in which Members of the House are seeking to address this issue. Again, she anticipates a matter that I will be coming on to deal with. Greater passenger representation is important, as indeed, as I will mention, is reporting back to us—the elected representatives in this House.

Although the project board will see closer working together between GTR and Network Rail, I hope the Minister will in addition, work to facilitate talks between GTR and the RMT, to prevent the continuation of the current situation where the union undertakes further strikes and causes even more misery for passengers.

I am sure that colleagues from both sides of the House will welcome confirmation that, as the hon. Member for Brighton, Pavilion (Caroline Lucas) said, there will be a passenger representative on the review board. I and Members on both sides of the House continue to try to ensure that the voices of our constituents are heard as this situation goes on. I trust, that elected representatives will be a part of the process and that there will be greater passenger representation. I welcome the fact that the new project board head will report weekly to my right hon. Friend the Transport Secretary and my hon. Friend the rail Minister. I would appreciate assurances that Ministers will update the House on the board's progress.

Nusrat Ghani (Wealden) (Con): I thank my hon. Friend for bringing the issue to the Floor of the House. Does he agree that even though passengers are being failed by GTR and Southern, going back to the status quo is no longer acceptable? When the service is running at full capacity, my constituents on the Uckfield line have to suffer the so-called the misery line, so even the status quo is not good enough.

Henry Smith: I am grateful to my hon. Friend. She has been a firm campaigner on behalf of her constituents and others—[Interruption.] A doughty campaigner, as my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) says from a sedentary position. My hon. Friend the Member for Wealden (Nusrat Ghani) has been a doughty campaigner on behalf of people across East Sussex and West Sussex too.

I was pleased to see the new rail Minister provide a written statement on GTR when Parliament reconvened earlier this month, and I hope that he will continue to update colleagues in writing and, of course, in person.

As part of the £20 million improvement fund, additional staff will be hired at all stations, including East Croydon and Gatwick Airport, which is in my constituency. I understand that £1 million will be spent on testing platform and dispatch staff infrastructure at these stations. Will the Minister please provide an update on a timetable for staff hire and equipment testing at Gatwick Airport station? I hope that these improvements will reduce the need for my constituents, with continuing exasperation, to use the Delay Repay system.

On compensation for passengers, as I mentioned in response to my hon. Friend the Member for East Worthing and Shoreham, let me be clear: compensation is not a solution in itself, but improving the compensation procedure and making the process simpler for passengers are important in the short term.

I very much welcome the letter, which has been placed in the Library of the House, from the rail Minister to the Chair of the Transport Committee, the hon. Member for Liverpool, Riverside (Mrs Ellman), dated 6 September 2016. The Minister wrote that

“rail customers should not be denied any consumer rights or protections even for a temporary period while the rail industry works to put in place more consistent compensation arrangements between train operators.”

The previous rail Minister, my hon. Friend the Member for Devizes (Claire Perry), stated in June that the Government

“are committed to improving compensation arrangements for passengers. . . We expect to make an announcement on this in the next few months.”

This followed a previous announcement in the 2015 autumn spending review that passengers would soon have access to compensation when trains are more than 15 minutes late. My constituents have described to me their frustration when they experience a delayed train and often miss out on compensation because their service is delayed, for example, by marginally less than the current 30-minute threshold. When can we expect further details from the Minister about the enhanced compensation measures?

Last week saw the all too familiar sight of Southern railway staff handing out leaflets to passengers, advising of the details of the latest RMT union strikes. Now,

I have been clear that I have no hesitation in criticising GTR when necessary, and, as a regular commuter on the network, I doubt there will be a single Member here tonight who disagrees with me when I say that it is extremely necessary on far too many occasions to hold the company to account. However, we cannot allow the RMT union to escape blame either. Yes, we criticise GTR when its service does not run on time, but we must also question why the RMT union, having seen the issues affecting our constituents in getting to work, see this as an opportunity for industrial action and the creation of further misery and difficulty.

Chris Philp (Croydon South) (Con): Does my hon. Friend agree that the RMT strike is totally without justification? There are no pay cuts and no job losses, and there will still be two staff on all the trains. Will he also join me in condemning not just the official strike action, but the equally invidious unofficial strike action held via the very high levels of sickness we see daily?

Henry Smith: My hon. Friend has been an excellent representative since being elected to the House last year, particularly on the issue of Southern rail and Thameslink delays. We are seeing industrial action that is taking advantage of a very difficult situation, with infrastructure failures and a large franchise trying to cope, and that is unacceptable. On the issue of driver only-operated trains, we are not seeing any reduction in guard staff numbers. I appreciate that there are safety issues that need to be properly addressed, but passengers do not at all appreciate this sort of confrontation between unions and management when they are stuck, delayed on platforms.

Let me turn to the new timetable consultation. Last week, GTR was due to open the public consultation for its timetable from 2018. While I would urge my constituents to take part in that process, I ask my hon. Friend the Minister what discussions he has had with the company concerning its service going forward.

Rail fares are a further issue of consternation for commuters in my constituency. I know that I am not alone in calling for fares to be frozen and not put up in line with inflation, as a result of the issues that my constituents, and others across the south of England, have been experiencing for about a year now. The Government admit, obviously, that there is a problem, not least because they will be spending £20 million on the rapid upgrades. While the Government's cap on fares will save season ticket holders an average of £425 through this Parliament, does the Minister not agree that it is right for the passengers who have endured such prolonged disruption to receive an exemption from this fare rise?

While we are seeing some benefits, such as the new rolling stock—the Thameslink class 700 trains, for example—things are not happening quickly enough. Passengers in Crawley and across London and the southern counties continue to be affected. They include a constituent of mine, for example, who works as a nurse. All she wishes to do is to get to work to serve her patients. However, because she travels by rail, that is becoming more and more difficult for her. On behalf of all passengers, commuters and staff who want a decent rail network, I urge the Government to ensure that GTR is held to account and that these improvements are realised.

The time is now 10.23 pm. I anticipate that the debate will conclude at about a quarter to 11. Normally, I should be able to rely on getting the tube to London Victoria station and a train back to Three Bridges. The reality today is that I have driven in to Westminster because I cannot be confident of getting home tonight unless I do that. The impact that these events are having on our broader transport congestion and infrastructure is unacceptable. What might seem quite a parochial issue is, I think, affecting the national economy and having a significant effect on people's personal lives and on the strength, growth and environment of London and the south-east.

10.24 pm

The Parliamentary Under-Secretary of State for Transport (Paul Maynard): I congratulate my hon. Friend the Member for Crawley (Henry Smith) on securing this debate—my first as rail Minister, as he rightly pointed out. Usually we would take satisfaction from that fact, but given the subject matter that we are discussing and what is occurring on the Southern network, it is hard to take any satisfaction at all. I know that it is a subject particularly close to his heart. He talked about the meeting that he chaired in August with GTR officials. Not only has he called me for my first Adjournment debate, but he also accompanied me on my first ministerial visit, as he mentioned, when we visited the Three Bridges depot and saw the control room where Network Rail and GTR are seeking to work together.

Let me say first and foremost that I completely understand my hon. Friend's personal frustration, which he eloquently set out, and I recently read about in his powerful column in *Rail* magazine. I also understand his constituents' frustration, and indeed that of all the constituents of hon. Members who are here, about the service that they are receiving. I expect that GTR should be able to run a reliable and predictable service for passengers. I can only imagine what it must be like to be dependent on such an unpredictable service as a commuter. I have read the emails and the letters, and I understand the genuine distress that so many feel at the inadequate service they are receiving.

I would therefore like to assure my hon. Friend, and all the other hon. Members here tonight, that the Secretary of State and I are determined to resolve these issues as quickly as possible, and that this has been a priority for us both since our appointment. That is why, as my hon. Friend observed, on 1 September the Secretary of State announced a £20 million fund that will help to replace equipment likely to fail and renew the most problematic stretches of track. It will also double the number of rapid response teams to solve problems and increase staff on the busiest platforms to get passengers away on time.

As my hon. Friend mentioned, one of those stations is Gatwick in his constituency. In the coming days, I will be meeting John Halsall, the new route director, to discuss some of the details of what will be occurring at Gatwick. It is important to say that this £20 million is not money that is going to Southern but money that is going to Network Rail to fund its priorities in improving the infrastructure to give Southern the best chance it has to run the very reliable and predictable service that I spoke of earlier.

Members will be aware that the Secretary of State has announced the appointment of the vastly experienced

[Paul Maynard]

Chris Gibb to head a new project board. This board will work with GTR, the DfT and Network Rail to explore how to achieve a rapid improvement to services. It will oversee the £20 million fund, and also closer working between the three organisations. We need a joined-up approach to running the network and making things better. This Government are committed to putting passengers first. That is why I was personally determined that a passenger representative be included on the board, which is relatively small, to ensure that commuters' views are heard and that improvements properly reflect what passengers themselves want. This is a time-limited board. It will present a plan in the autumn and actions will be implemented soon after. The Secretary of State and I will seek personally to update ourselves on its progress and hold it to account.

As hon. Members will be aware, the ongoing works at London Bridge station have been a main contributor to the disruption faced by passengers. However, those works are part of a £6.5 billion pound Government-sponsored Thameslink programme that will improve passenger experience now and in the future, and build a railway that is fit for the future. In addressing the historical lack of investment in this part of the network, we are investing £1.1 billion in the London Bridge programme alone. Delivering works of this huge scale while operating one of the busiest routes into London was always going to take time and, regrettably, cause some disruption.

With a recovering economy, particularly around London, more and more people want to travel to and from the capital. In the past five years alone, the number of passengers on Thameslink has grown by 40%, and on Southern the figure is 32%. The Thameslink programme will have a significant transformational effect on the capacity on this core inner-London route, delivering new trains that will operate every two to three minutes through central London at peak times. A total of £1.62 billion is being invested in new trains to meet this requirement, and they will be introduced between now and summer 2018. The first of those ran on 20 June, and there are now six in service. That will mean new and improved connections, providing better travel options to more destinations than ever before. My hon. Friend mentioned the future timetable from 2018. Although my focus at the moment is on restoring normality to the timetable, I am always keen to hear from colleagues their priorities for future service levels on the network.

I will now turn to the issue of industrial action. As hon. Members will be aware, trade unions and Southern have been in dispute since mid-April. The dispute has centred on driver-operated doors and it is adding significantly to the disruption that passengers are facing. However, moving to a way of working in which the driver controls the train doors and the second person on the train is able better to support passengers of varying needs is, in my view, more passenger-friendly, and it will allow a higher performing, more resilient rail service. The unjust industrial action arising from this dispute is holding GTR back from delivering a modern, safe and passenger-focused railway. Moreover, it is not in the interests of staff, either.

The action has led GTR to implement a revised timetable, cutting the number of services on weekdays to try to ensure a more reliable and predictable service

for passengers, and ensuring that Network Rail can get access to the track to improve the infrastructure's reliability.

Caroline Lucas: Will the Minister recognise, though, that many of the guards, certainly those I have spoken to, are taking action, very reluctantly, because they genuinely believe that there are safety concerns with driver-only operation? The fact that the Rail Safety and Standards Board says otherwise should not give us any comfort, given that plenty of private rail company operators sit on it. Does he not accept that if the Government withdrew the DOO element of the franchise, we would be able to resolve the issue much more quickly?

Paul Maynard: I am afraid that I have heard that tale from the hon. Lady time and again during the eight weeks I have been doing this job. Driver-controlled operation is safe. The Rail Safety and Standards Board says so, and to suggest that because it is funded by rail companies it is in some way not to be trusted overlooks the fact that we have one of the safest railways in Europe. She needs to decide how she is going to put passengers first, and I am waiting to hear that from her.

Nick Herbert (Arundel and South Downs) (Con): Further to that point, do not 60% of trains operated by GTR, and, indeed, a highly significant proportion of the whole network, already have driver-only operated doors? It cannot therefore be the case that they are all unsafe.

Paul Maynard: Such trains have been in operation for more than 30 years—even on the British Rail network—and they are perfectly safe, in my view.

On 5 September, I was pleased to inform the House that Southern had reinstated 119 weekday services. That means that more than nine out of 10 trains on the network are now running to the original weekday timetable. At the moment, that is benefiting passengers mainly on inner-London services, with almost all London Bridge peak trains running again and the restoration of the service to Southern's west London line.

As my hon. Friend the Member for Crawley has pointed out, Sussex passengers have yet to benefit. I will meet GTR later this week further to discuss its plans. I have made it clear that I expect the tempo of the introduction to be maintained and that the matter should be resolved in weeks, not months. I acknowledge that some routes are still suffering badly, and my priority is making sure that those services are restored in a timely, sensible and lasting manner.

It is unacceptable that the rail unions are causing more disruption for passengers by holding these strikes and unofficial industrial action. The real solution is for the RMT to bring the dispute to a close and start to put passengers first.

It is understandable that, with services as they are, my hon. Friend has raised the issue of fares, the cost of which has an immense impact on people's budgets. That is why, as he pointed out, we have capped fares that we regulate at inflation for four years running and will continue to do so for the life of this Parliament. That means that fares can rise only by 1.9% in 2017, providing an annual saving of £425 in the five years until 2020.

I also acknowledge that compensation is an important part of this picture, given the cost of rail travel and the disruption caused. In its current form, Delay Repay compensation continues to apply against the permanent standard timetable. It is important that all travellers are aware of that when assessing their eligibility to claim. The Secretary of State and I are continuing to consider more generous compensation for passengers on this route, and we hope to make a timely announcement. I want to ensure that we focus on restoring normality to the timetable, and that has to be the most important task at hand.

Jeremy Quin (Horsham) (Con): It is a great pleasure to welcome my hon. Friend to the Dispatch Box. On the point about compensation, I recognise what he is saying, but the need for compensation has been recognised from the Dispatch Box by my right hon. Friend the Member for Witney (Mr Cameron). As my hon. Friend the Member for Crawley (Henry Smith) said in his opening speech, it has also been mentioned in Westminster Hall. The sooner we can get that out to our constituents, the better. I hope that “timely” means a rapid announcement, if I may press the Minister on that.

Paul Maynard: My hon. Friend may, of course, press me on that. I know that he asked that question of the former Prime Minister and got quite a categorical answer. I assure him that we are working on this important issue on a regular basis, and it is a matter of frequent conversation. It has not been put on the back burner, and I hope he will be getting some helpful news relatively soon.

Chris Philp: Given that our constituents have paid very large sums of money for season tickets this year and have manifestly not received the service they have

paid for, would the Minister and his colleague the Secretary of State consider paying each and every season ticket holder a rebate of, for example, 10% of their season ticket payment—[*Interruption.*] Or 20%; we seem to be conducting an auction. Would the Secretary of State consider paying them such a rebate in recognition of the fact that they have not received the service they have paid for?

Paul Maynard: I am grateful for that contribution. There are numerous ways in which we are considering the potential for compensation. I will take that suggestion on board, and I hope to make further announcements in due course.

This stretch of the network is one of the most intensively used in the country, and it has seen a dramatic increase in the number of journeys over the past few years. We therefore had to update and modernise the service, not least to accommodate greater passenger numbers and to ensure their journeys are comfortable. That has required significant engineering work in the central London area. That work will ultimately, by the end of 2018, increase the capacity and frequency of trains stopping at peak times, to the benefit of all hon. Members gathered here today and to their constituents.

That said, I recognise that the current performance is not good enough. I expect GTR and Network Rail to work together to make sure that it improves significantly, so that passengers, on whose behalf the railway operates, can have the reliable, predictable railway for which they have paid.

Question put and agreed to.

10.37 pm

House adjourned.

Westminster Hall

Monday 12 September 2016

[MR DAVID NUTTALL *in the Chair*]

Dog Meat (South Korea)

4.30 pm

Oliver Dowden (Hertsmere) (Con): I beg to move,

That this House has considered e-petition 120702 relating to South Korea and the dog meat trade.

May I begin, Mr Nuttall, by thanking you for chairing this important debate, which I am introducing on behalf of the Petitions Committee? It has attracted a huge amount of support. More than 100,000 people have signed the petition, but I know that the interest goes much wider than those who have signed it. Already articles in papers such as the *Daily Mirror* have attracted a huge amount of interest and public reaction, so I know there is great concern about the topic.

I must admit that before I agreed to introduce the debate I had relatively little knowledge of the dog meat trade. We are all naturally repulsed by the idea, but I have been shocked and deeply concerned by some of the evidence that has been presented to me, and I thank the organisations that provided it, including the Humane Society International, the Royal Society for the Prevention of Cruelty to Animals and World Protection for Dogs and Cats in the Meat Trade, as well as other charitable organisations and groups that have come into contact with me.

Before I talk about some of the specific concerns about the trade, I will make a few general points. I lived in east Asia for some time and am acutely aware that we need to be sensitive to cultural differences. The fact that South Korea has been picked for inclusion in the motion is probably to do with the fact that the winter Olympics are coming to the country in 2018. We should be mindful that the practice in question is not confined to South Korea. It is very prevalent in China, Vietnam, Thailand and other countries.

Sir Greg Knight (East Yorkshire) (Con): Does my hon. Friend agree that one problem in trying to persuade people not to eat dog meat is the long-held view of many that it contains mythical health qualities, and that eating dog meat is somehow better for them? Does he agree, also, that it is sometimes difficult to persuade people that their long-held beliefs are no more than a load of old codswallop?

Oliver Dowden: It is absolutely right to highlight that long-held view about the properties of dog meat. That point is also relevant to some of the barbaric methods of slaughter.

Sir Alan Meale (Mansfield) (Lab): Everyone recognises that the trade is a cruel one, but surely the main problem—and the reason for highlighting South Korea—is that it is not simply a question of the tradition of eating dog meat; it is the scale. More than 5 million animals are killed every year, and nearly 3 million of those are

farmed on puppy farms for that explicit purpose. It is not surprising that people highlight the case of South Korea.

Oliver Dowden: I entirely accept the hon. Gentleman's point about the scale of what happens in South Korea; I was merely making the point that the practice in question is also prevalent in other countries. For example, there are fairs for dog meat consumption in China. Indeed, it is important to contextualise the points that have been made by the hon. Gentleman and by my right hon. Friend the Member for East Yorkshire (Sir Greg Knight), in relation to the countries in question.

It is certainly a more traditional belief that people should eat dog meat; even in countries where that is very prevalent, such as South Korea, it is very much a minority belief. Most younger people do not eat dog meat. Equally, there are strong campaign groups in the countries where it happens, which oppose it. The Governments of those countries have taken steps against it to varying degrees, although of course much more should be done.

I am also very much aware that we should not try to impose our own cultural standards unquestioningly. There are intense forms of industrial meat production in, for example, the pig industry, and if we are aware of that we should look to our own consciences; certainly some meat that we consume from other European countries is produced in pretty barbaric circumstances. I just wanted to give that overall context.

Mims Davies (Eastleigh) (Con): The Blue Cross is based in my constituency, and it stands up for our four-legged friends. I thoroughly enjoyed its rather wet and soggy inaugural waggy dog show on Saturday. Of course, cultural issues are important. This country has a proud record of caring for our waggy-tailed friends but we must try to speak to Governments where they are mistreated. There is a fine balance but we need to stand up on the issue.

Oliver Dowden: I completely agree with my hon. Friend. In relation to general animal welfare, this country can be very proud. We have led the European Union and the world in improving standards not only for domestic animals but for farm animals.

David Simpson (Upper Bann) (DUP): The hon. Gentleman will know about the UK horse meat trade scandal some time ago. The world is getting to be a smaller place, and what we do not want to happen is that somehow the meat gets smuggled into the UK and into the food chain, causing difficulties for commercial businesses.

Oliver Dowden: The hon. Gentleman is right on that point. There are two specific concerns: there are gaps in the supply chain that extend to the United Kingdom. That applies to meat coming into the UK, but it has also been suggested that greyhounds from Ireland may be raced in east Asia and enter the food chain in that way. There is also the general health concern about the consumption of dog meat. That brings me on to the three specific concerns that we need to consider in the debate.

[*Oliver Dowden*]

The first concern is the welfare of the dogs as they are reared. The trade is completely unregulated. The farms—if one can call them that—are pretty horrific places. Dogs are usually kept in very small cages without any form of environmental enrichment, in many cases on solid floors where they cannot even stand. The evidence gathered by charities regularly includes a huge range of injuries, including untreated eye infections, skin diseases, prolapsed bowels and painfully swollen feet. Of course, when animals have absolutely no form of stimulation there is the problem of self-mutilation, whether that is cage pacing or head tilting, or other features of poorly looked after animals.

Allied to that is the method of slaughter, once they have been reared. As my right hon. Friend the Member for East Yorkshire mentioned, there is a terribly misheld belief—this does not apply in all cases, but there is a lot of evidence for it—that somehow, if the animal has a lot of adrenalin pumping through it at the time of slaughter, that will add to the power of the meat or tenderise it before slaughter. That has in some cases encouraged terribly barbaric methods of slaughter. Examples include hanging, beating or in some cases even boiling the poor animals alive, all in the ridiculous belief that somehow that improves the quality. Surely anyone can agree that that is completely unacceptable.

Mr Jim Cunningham (Coventry South) (Lab): I congratulate the hon. Gentleman on getting the debate. In an article last week—I think it was in the *Daily Mirror*—it was reported that, particularly in China, animals were being treated very badly and shoved in big pots to be boiled alive. That is utterly cruel, and surely the Government should be making representations on that.

Oliver Dowden: I completely agree with the hon. Gentleman, which is exactly why I am raising that in the debate. I hope the Minister will take note of that point and relay the strength of feeling in the United Kingdom, including from readers of the *Daily Mirror*, about those appalling practices.

Mr Philip Hollobone (Kettering) (Con): I congratulate my hon. Friend on his speech. He is making an extremely powerful case and is standing up for the petitioners extremely well. Is there any international veterinary evidence on the horrific methods of slaughter that he is beginning to outline, including from vets in those countries who are standing up and speaking out against the myths being perpetuated—that if animals die a cruel death, the meat is somehow tastier or better?

Oliver Dowden: My hon. Friend raises an important point that goes back to what I was saying earlier. I do not think those methods of slaughter are being in any way actively encouraged by the South Korean Government or other Governments. Indeed, they are contrary to all the evidence, but the fact is that this is being conducted on the basis not of evidence, but of prejudices and long-standing traditions, which are difficult to counter with an analytical approach.

My second big concern around this trade is that it does not just extend to animals that are purposely bred for it. Not only are stray animals being brought into the supply chain, but there is considerable evidence that pet

dogs and cats brought up for domestic purposes are being stolen and finding themselves in the supply chain. We can all only imagine what it would be like if our own domestic animals found themselves in that state.

Equally, there are suggestions—although I must say the evidence on this is still being gathered—in relation to the greyhound racing industry, for example. It is alleged that when greyhounds are past their time in the United Kingdom, or particularly in Ireland, they go out to compete in east Asia, fail a couple of races and are then pushed off into the dog meat supply chain. Again, that needs to be urgently investigated, both by our Government and by those in the countries where it is alleged to have happened. South Korea is taking some steps on that but it remains a legal grey area. Without going into detail about the legislative proposals in this area, I should say that there is more that can be done to bring greater clarity that such practice is not acceptable.

My third concern is in relation to human health. We have already discussed the danger of dog meat entering the general supply chain, which is something the Department for Environment, Food and Rural Affairs should be very much aware of. Because it is an unregulated industry, there are no official guidelines, let alone oversight, to ensure that those meat products do not harm the health of consumers. The lack of evidence is worrying, particularly when the conditions on many dog farms are exceedingly unsanitary. There is a real danger of high levels of antimicrobial resistance because of excessive use of antibiotics and drugs on the dogs, often to counter the way in which they are kept in densely-filled areas with high levels of stress and high mortality rates. Equally, because the manner of slaughter is unregulated, there is a danger that disease enters the food chain from that.

What I am seeking from the Minister in his response is, first, an assurance that the Government take the issue seriously. It is easy for us to dismiss it as a problem in another country but, as members of the international community, we should be highlighting the concern and be encouraging the Government to press the case with the South Korean Government. I know we have very good bilateral relations with the South Korean Government—indeed, we have good bilateral relations with other countries, such as the Philippines. In a spirit of constructive engagement with friends, allies and partners, we can reasonably raise our concerns and ask those countries to address them. That can be done both in the United Kingdom, through our relationship with the ambassadors of South Korea and other countries, and through the various international organisations of which we are a member, including the European Union.

Mr Cunningham: I ask the hon. Gentleman to include China in that list, because it was highlighted in the *Daily Mirror*.

Oliver Dowden: Forgive me; I was not seeking to make a particular political point about China or, indeed, Thailand, Vietnam or any of the other countries I have mentioned.

Furthermore, through our strong relations with other countries, including the United States, Canada, Australia and New Zealand, I think the United Kingdom could have a role in highlighting this matter. As I said, this is a question not of accusing other countries, but of highlighting

those concerns. I also think we can play a role domestically in the United Kingdom. We have a tremendous body of expertise and opinion in the form of the chief veterinary officer and his offices.

The United Kingdom could act as a lead advocate for building a global strategy. For example, we can use our contacts in the World Health Organisation and other organisations to fully research, quantify and publicise the concerns around the dog meat industry, in relation to antimicrobial resistance, for example, and to the point raised by my right hon. Friend the Member for East Yorkshire about dispelling some of the myths around some of the supposed virtues of the meat.

Angela Smith (Penistone and Stocksbridge) (Lab): Does the hon. Gentleman agree that it is incredibly important during the forthcoming period of negotiations around Brexit that the UK takes a firm position on maintaining the highest possible animal welfare standards when it comes to how we implement laws on animal welfare—not just for companion animals, but for livestock more generally? Otherwise, the messages we are trying to send internationally will be totally undermined.

Oliver Dowden: I completely agree with the hon. Lady. As she says, the United Kingdom is a leader in animal welfare standards, not just for domestic animals but for farm animals. I take a slightly less negative view of the opportunities of Brexit. Of course there is a danger that we go for the lowest common denominator in trade deals but, equally, there are opportunities. For example, in the United Kingdom at the moment we cannot discriminate against the very poor welfare standards we see in some European countries—all we have managed to do is increase the base level a little. In fact, we will now have the opportunity to impose higher welfare standards on all meat imported into this country. I hope very much that the Government will seize that opportunity as part of those Brexit negotiations.

Lady Hermon (North Down) (Ind): I have received a large number of emails from constituents on this. People in Northern Ireland feel very passionately and care very deeply about their dogs and other pets, and the standards of animal welfare in Northern Ireland are generally very high. Given that this is a devolved matter for the Northern Ireland Executive and Assembly, and in the light of the fact that Invest Northern Ireland has sent trade delegations to South Korea since 2010, will the hon. Gentleman encourage the Minister to liaise very closely with the devolved Administrations, including the Northern Ireland Executive, so that this is a joint effort?

Oliver Dowden: The hon. Lady makes an important point. First, she is absolutely right about the scale of the interest in this matter. I have received a large amount of correspondence on it and it is clear that people are very worried. Secondly, she is absolutely right to say that, as part of drawing on different relations that the Westminster Government have, we should be building on relationships with Scotland, Wales and Northern Ireland to further advance this case.

I am conscious that many Members would like to speak in the debate, so I conclude by urging the Minister to take note of the scale of public opinion and to use the many and considerable offices the United Kingdom

has to continue to press this case, in a spirit of friendship and co-operation. Even in the countries involved, most people know that this trade is not acceptable and share our abhorrence for it.

4.49 pm

Kerry McCarthy (Bristol East) (Lab): It is a pleasure to serve under your chairmanship, Mr Nuttall. I thank the hon. Member for Hertsmere (Oliver Dowden) for introducing this debate. I am also pleased to see the Foreign Office Minister and the shadow Minister, my hon. Friend the Member for Hornsey and Wood Green (Catherine West), in their places.

I was the shadow Foreign Office Minister covering this part of the world for four years, until about a year ago. I also had the human rights brief. The ongoing frustration is that it is always so difficult to get people to listen to arguments about human rights issues in our relationships with other countries, let alone get them to consider the animal welfare issues. I was rather disappointed when I asked a question last Thursday of the new Secretary of State for International Trade and President of the Board of Trade, the right hon. Member for North Somerset (Dr Fox), about the Government's action plan on business and human rights that was launched with much fanfare three years ago. I asked where the action plan fits into the new Department for International Trade—when going out to other countries to negotiate trade agreements, will we be aware of the attempt by the former Foreign Secretary, William Hague, to meld the desire to trade with companies and to talk about human rights? The answer I got was pretty much, “That’s a completely separate issue. It’s something for the Foreign Office and nothing to do with us.”

If we cannot even persuade that Department that human rights should be on the agenda when we are negotiating trade agreements, we will have difficulty making the argument that animal welfare should be on there too. I hope that the Foreign Office Minister takes that back to his colleagues and starts talking to the new Ministers in the Department for International Trade about the importance of this issue and the strength of feeling about it.

I had the pleasure of visiting South Korea a few years ago with the UK-Korea Forum for the Future. Every two years, some UK parliamentarians go out to South Korea, and every other year, people from the South Korean Parliament come over here. South Korea is not only a major trading ally of the UK; it is also our friend, but that should not stop us at times being a critical friend. It is interesting to note in the Library briefing that the consumption of dog meat in South Korea did not become commonplace until the Korean war in the 1950s. It is easy to forget what an incredibly poor country South Korea was back then, lagging well behind its neighbour to the north. Of course, now the situation has been reversed, and we hear reports that Kim Jong-un's people are on the verge of starvation. Obviously, the human rights situation is dreadful there too.

One of the fascinating things about my visit to South Korea was seeing how the country had transformed itself from abject post-war poverty into an economic export-led powerhouse, albeit not always under the most democratic leadership. Seoul now presents as a very modern, high-tech city, with gleaming skyscrapers

[Kerry McCarthy]

and excellent transport, but as we have heard, some of the old ways remain, including the dog meat trade. As my hon. Friend the Member for Mansfield (Sir Alan Meale) mentioned, 5 million dogs are involved in the trade every year. I have seen figures that show that more than 2 million dogs are factory farmed in South Korea for human consumption. They are kept in terrible conditions in tiny cages, exposed to extreme heat and cold, before being cruelly killed, often via electrocution.

Sir Alan Meale: In terms of the two figures I referred to, one is the overall figure for the whole country, but my hon. Friend is right; 2.5 million to 3 million puppies are factory farmed for the trade.

Kerry McCarthy: I thank my hon. Friend for that clarification.

The fact that the petition so easily reached 100,000 signatures, and the number of emails Members have received from constituents, remind us that Britain is a nation of dog lovers, as we saw in the public response to other campaigns, such as Pup Aid's campaign against puppy farms. That serves as a reminder that we ourselves are not above criticism and that much can be done to improve animal welfare in this country.

In the past, the Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for Suffolk Coastal (Dr Coffey), has told me that the UK has the best record on animal welfare of any country in the world. After our last exchange, she sent me some evidence in support of that. Whether we are the best is a moot point, but we are clearly better than most. However, we still regularly see terrible footage of conditions in some slaughterhouses and factory farms here, with millions of birds shot in the name of sport and some truly appalling cases of ill treatment of pets. We discussed the cruelty of snares in the main Chamber just before the summer recess.

I am pleased to have been asked by my hon. Friend the Member for Redcar (Anna Turley) to sponsor her ten-minute rule Bill calling for tougher sentences for animal cruelty, following the dreadful case of the Frankish brothers in her constituency, who filmed themselves torturing their bulldog by throwing her down the stairs, stamping on her head, swinging her around and headbutting her. We certainly should not be too complacent or congratulate ourselves too much about conditions here in the UK. Today is about making the case against the dog meat trade in South Korea, which is the only country to intensively farm dogs for food. As petitioners have told us, there is a good chance of making progress with the South Korean Government on this issue, not least because the eyes of the world will be on South Korea in the run-up to the winter Olympics.

It was interesting to read in the Library briefing the article by Jill Robinson, the founder and CEO of Animals Asia, which has long campaigned on these issues and says that because the laws in South Korea are stronger than in countries such as China, there is less criminality in the dog meat trade, with fewer dogs mysteriously disappearing from the streets. I pay tribute to my hon. Friend the Member for Stoke-on-Trent South (Robert Ffello) for the speech he made in last year's Backbench Business debate on the wider dog meat trade in countries

such as China, in which he outlined in distressing detail the immense cruelty and suffering involved in the theft, transportation, caging and slaughter of millions of dogs each year.

The Yulin dog meat festival is a particularly hideous example of that. Animals Asia has said there is less criminality in South Korea, but Jill Robinson argues that that in fact means there is more cruelty, because there is no way to make dog farming profitable without cutting every corner imaginable. She says that Hong Kong, Taiwan, Singapore, Thailand and the Philippines have made dog meat eating illegal, largely because there is no humane way to breed dogs for meat.

In last year's debate, my former colleague in the shadow DEFRA team, my hon. Friend the Member for Stockton North (Alex Cunningham), said:

"Although the Korea Food and Drug Administration recognises all edible products as food, other than drugs, Seoul has passed a regulation classifying dog meat as a 'repugnant food'. However, as in other parts of the world, such regulatory oversight has not been effective in curbing the demand for dog meat."—[*Official Report*, 5 November 2015; Vol. 601, c. 1223.]

There is a law in place in South Korea—the Animal Protection Amendment Act 2007—which prohibits some of the cruel methods used to slaughter dogs, but it is widely ignored, as we have heard. According to charities involved in campaigning on this issue, many South Koreans believe that the more a dog suffers before it dies, the better the meat will taste, as adrenaline in the system makes the meat taste better. Dogs are therefore often subjected to cruelty before being slaughtered. There is an issue of enforcing the current law as well as making the case for stronger laws and, indeed, trying to outlaw the dog trade altogether.

It is encouraging to hear that cultural attitudes in South Korea are changing and that many more people are speaking out. There is always a danger of being seen to preach to other countries where the cultural norms do not coincide with the practices in this country, and it is best if change can be encouraged to come from within. Some might argue that we are guilty of sentimentality, double standards or hypocrisy in condemning the dog meat trade when so many other animals are killed for food every day around the world, with many kept and killed in equally cruel conditions.

Some of us are of the school of thought that says, "Why eat a cow or a pig if you wouldn't eat a dog or a cat?" We saw that in the horse meat scandal, when consumers here were appalled to learn that they might be eating horse when they thought they were eating beef or lamb. Of course consumers have the right to know what they are eating and to choose whether that is an animal they wish to eat. I make the point simply that we are discussing the dog meat trade, but there are many other debates to be had about slaughter conditions, the transportation of animals and other practices around the world that we do not focus on quite so much.

In last year's debate, there was much discussion about the extent to which we should seek to impose our cultural norms on other countries. As the Government said in their written response to the petition, selling and eating dog meat is a legal and culturally normal practice in South Korea, as it is in a number of other countries. They went on to say:

"In the absence of international norms, laws or agreements governing the trade and consumption of cat and dog meat, the United Kingdom has no legal grounds to intervene or take trade measures against those countries".

I accept that there are no legal grounds for intervening in the actual practice of eating cats and dogs, but I hope that the hon. Member for Hertsmere and I, as well as the many Members who will follow us, will make the case today that there are certainly moral and ethical grounds for intervening against the immense cruelty involved in the trade. I hope that the UK Government do not hide behind the reasoning they originally gave in response to the petition as an excuse for inaction. We should be doing all we can to continue to raise this issue during our bilateral discussions and to support activists in South Korea who seek to outlaw this terrible trade.

5 pm

Margaret Ferrier (Rutherglen and Hamilton West) (SNP): It is an honour to serve under your chairmanship, Mr Nuttall. I would like to thank the members of the public who created the petition and the 102,131 who signed it. They are responsible for securing this important debate and I thank the hon. Member for Hertsmere (Oliver Dowden) for leading it.

Like many hon. Members, I received many emails from constituents asking me to attend this debate. Animal welfare is something both they and I care deeply about. I have contributed to several debates in this place on the treatment and wellbeing of dogs, but none was quite so difficult to prepare for as this one. Despite a conscious effort to look at the trade impartially and to be aware of any cultural bias I might have, it was difficult to read about, look at photographs of and watch videos about the subject. It is clear that dogs are being treated appallingly and most if not all of us condemn that very strongly. I and other Scottish National party Members encourage a cautious and culturally sensitive approach to effect change in South Korea—an approach that supports animal rights groups in that country that are already working to bring an end to the dog meat trade.

The Scottish Government take animal welfare issues incredibly seriously and continue to lead the way in both protection and promotion of animal rights. Just last week, the British Veterinary Association commended the Scottish Government for including the Wild Animals in Circuses Bill in its programme. My desire is that others will follow this example and take similar action in other parts of the UK and Northern Ireland.

I hope the UK Government are truly committed to the protection of animal rights, but recent attempts to reintroduce foxhunting have cast doubt on that. Fortunately, due to the SNP's support for the continuation of the ban, the UK Government decided to drop the planned vote on the issue. The SNP will continue to fight effectively in both Scotland and here in Westminster for animal rights.

I welcome the UK Government's response to the petition, and I hope their apparent sincerity is backed by continued action. I welcome the fact that the British embassy in Seoul has raised the issue of cruelty towards animals on many occasions with the South Korean authorities and I hope it continues to do so at every appropriate opportunity.

In the run-up to the winter Olympics in 2018, it is vital that this important issue is not allowed to be ignored and that the trade is not simply hidden from sight. In an attempt to avoid criticism, the South Korean Government hid all dog meat restaurants from the sight of international media during the 1988 Seoul Olympics.

The dog meat industry in the Republic of Korea is still thriving today, almost 30 years later. It is important that, three decades on, the authorities are not allowed simply to adopt a policy of out of sight, out of mind. Reports that dogs are mistreated and abused in the dog meat trade are much too distressing to be ignored or concealed.

We must exercise caution in our approach to the cultural practices of other countries, but we have a duty to voiceless animals to try to bring about change. Charities have highlighted some of the terrible conditions in which 2 million dogs that are slaughtered for their meat every year are kept. Animal welfare groups have attested that some traditional beliefs encourage more torturous conditions for dogs, such as the thinking that high adrenaline levels will produce tender meat.

Dogs are often confined in small wire cages until their slaughter, usually by electrocution. It is claimed that they are often transported improperly, in cramped conditions and without access to water. This cannot and must not be ignored. In addition to raising the issue with Korean authorities, will the UK Government promote effective implementation of existing laws in South Korea and encourage public awareness of the horrific conditions in which dogs are often kept for the meat trade?

It is promising that the dog meat trade seems to be decreasing in popularity, which the UK Government acknowledged in their response to the petition. There is no doubt that this seems to be a generational issue and that attitudes are changing. Younger South Koreans seem to be moving away from dog meat, which is encouraging, but that is not reason enough to ignore the ongoing problem and wait for it to disappear. If this is a generational shift and not much else is done, Members could be debating the same issue in this place in another 30 years. I do not want to be one of the people doing that.

5.4 pm

Jim Shannon (Strangford) (DUP): It is a pleasure to speak in this debate. I congratulate the hon. Member for Hertsmere (Oliver Dowden) on introducing it and on setting the scene so well. I will focus on South Korea and what I believe is its responsibility, maybe not to respond directly to this debate, but to take on board the views of those of us in the Chamber.

This issue has flooded my inbox, as it has those of other hon. Members, so it was important that I came along to make a contribution to this afternoon's debate and to represent all those who took the time to email me, write to me or phone me about this emotive issue.

As the hon. Member for Hertsmere said, South Korea will host the winter Olympics in 2018, so we must ensure that this debate is heard in South Korea. It is not a matter of hiding what they do; it is a matter of stopping what they do. That is what we are aiming to achieve. We have been thrilled by the results of team GB, particularly those of the Paralympics team and our own young Bethany Firth, who took a gold in swimming, having trained at the local swimming pool not five minutes from my office. The buzz surrounding the build-up to the Olympics and the events are great for national pride and we take pleasure in seeing our teams do well on a world stage. This is what the Olympics are all about, and to have them tainted by concern about the host nation can never be good. We must focus on the 2018 winter Olympics and where they will be held. That nation must also respond.

[Jim Shannon]

I remember the shock in my history classes of seeing Nazi Germany hosting the 1936 Olympics, using it as a forum for its propaganda and political games. I was horrified and hoped the world had learned a lesson. Politics and sport must not mix, and although we have never repeated the mistakes of that Olympics, I have been worried on a few occasions.

I raised concern in this House about the Beijing Olympics, the human rights concerns that many of us in the House have, and the importance of a forum for dialogue. I do the same this afternoon, but on a different issue. I am not asking for us to wield an influence that we do not have, because we cannot make South Korea stop what it is doing, but we can use this debate as an opportunity to highlight issues and perhaps play a small part in bringing about change. One of those issues and the reason we are here is the petition of 102,000 signatures, many from Northern Ireland. Some were from my constituents who expressed horror that an estimated 2 million to 3 million dogs suffer indescribably in South Korea, the only country that officially farms dogs for their meat each and every year.

Although the dog meat trade exists across Asia, South Korea is the only country in which that trade is sustained via intensive dog-breeding farms, both large and small, as opposed to stolen or otherwise captured dogs in China, Vietnam, Laos and elsewhere. Many of us, including my right hon. Friend the Member for Belfast North (Mr Dodds) and my hon. Friend the Member for Belfast East (Gavin Robinson), have spoken clearly on the two issues. I commend them for that, because they have been at the forefront back home of ensuring that the issues are highlighted.

It is estimated that 2.5 million to 3 million dogs were slaughtered for human consumption in South Korea in 2014, having been bred and raised on more than 17,000 farms there, ranging in size from backyard operations with 20 or so dogs to large industrialised farms with thousands of dogs throughout the peninsula. I have been told by the Humane Society International that dog meat is sold in markets and restaurants as boshintang, a peppery soup that is believed by some to be invigorating—something to which the hon. Member for Hertsmere referred—or as a tonic in traditional health shops. There seems to be a misconception that dog meat can do those things. No, it cannot, and those who believe it can are certainly not thinking logically.

The industry is largely seasonal, with dog meat particularly popular during the summer months over the Boknal days of July and August, when 70% to 80% of the dog meat is consumed, even by those who never eat it at any other time of year. There is a tradition in South Korea of dog meat consumption at certain times of the year. Many farmers will have their dogs slaughtered just before Boknal, when they will fetch the highest prices, meaning that the collective suffering of as many as 3 million dogs every year is focused mainly, but not exclusively, on supplying demand for a soup consumed in just one month of the year.

Although the vast majority of Koreans do not routinely eat dog meat and surveys show that it is least likely to be eaten by younger Koreans, the “right” of others to eat it is still defended by a majority. Despite the growing opposition, the value of the dog meat industry was estimated

at £1.02 billion in 2015 and it provides employment for some 32,000 farm and restaurant workers. HSI’s strategic approach in South Korea takes on board that context and it actively engages in partnerships with dog farmers to demonstrate that a negotiated, state-sponsored phase-out of the industry is both feasible and desirable for both dogs and farmers. There are some people in South Korea with ability and in positions of power who are willing to see change. There is a feeling that more politicians are open to discussing the cruelty-to-animals aspect. During the past year, a growing number of South Korean politicians have been reflecting increasing public concern within their own country and outside it as well.

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Alok Sharma) *indicated assent.*

Jim Shannon: I see the Minister nodding. What I have described will probably become apparent in his response as well. A growing number of South Korean politicians are also committing to efforts to provide better protection for animals, including dogs, so some of the work that this Government and others in the western world are doing to address this issue is starting to have an effect, and perhaps we can look forward to the stopping of the eating of dogs as food.

Let me give an example. Membership of the South Korean National Assembly animal welfare forum, which I suppose is like an all-party parliamentary group here and which was formed voluntarily by Assembly Members, has risen from 31 members in May 2016 to 51 in September. That has happened in just that short period—almost the time it took for this debate to be thought about and brought to this House for consideration. The number of members now equates to one sixth of the total Assembly. That is evidence of a change of heart among some in South Korea and certainly among those in the Assembly and political positions. That is where change starts, because they will lead the people. Many times we have to do that: we have to lead the people in certain things that we do. We have to give leadership when it comes to change that will be beneficial for everyone. The Democratic Unionist party gave leadership to Northern Ireland when it came to moving forward in the political process, and the people were prepared to accept that leadership as well.

The softening towards change in South Korea should be capitalised on. We need to see how we can help to support those South Koreans who feel that this practice must change. Let us work with those who want change in South Korea and let us make it happen. It is out of our power to demand anything, but I believe that the sensitive and cautious way in which this Government have approached the issue means that we can offer assistance and positively reinforce how that change will help the way others view what is a beautiful country that has so much to offer. We must use all opportunities to encourage our allies to offer the same support to those who believe that change is possible. We can make a change using the methods that we have been using so far. I believe that we can continue to do that. I look forward to the response from the shadow Minister, the hon. Member for Hornsey and Wood Green (Catherine West), and in particular from the Minister. Perhaps he

will indicate some of the changes that are taking place. If someone's mind is open to change, change can happen. We want to try to ensure that the minds of those in South Korea are open to change. Let us constructively, effectively and positively make that change.

5.14 pm

Martin Docherty-Hughes (West Dunbartonshire) (SNP): As always, it is a pleasure to serve under your chairship, Mr Nuttall. I congratulate the hon. Member for Hertsmer (Oliver Dowden) on securing the debate, which has generated considerable interest in my constituency, especially from constituents who are rightly concerned about the mistreatment of animals not only in the UK but across the globe. I am grateful to my constituents for contacting me.

I am pleased to speak in the debate, as this issue is of interest to many people in my community and is close to my heart, given that I am buddy and best pal to two whippets. The hon. Gentleman mentioned greyhounds. Along with greyhounds, whippets and lurchers are most likely to end up in the food chain in later life, given that they are involved in careers such as dog racing, official and unofficial, and coursing, and once they are at the end of their careers, they are seen as surplus to requirements.

Like most people across the UK and in the Chamber, I find that the idea of any harm coming to or cruelty being done to my dogs, or animals in general, fills me with dismay. However, it would be naive of us to think that animal cruelty does not take place. We must acknowledge that there are people out there who seek pleasure from inflicting pain on defenceless animals. Sadly, stories of animal mistreatment are widespread across the news outlets. In most cases, they are highlighted by charities and volunteers, especially those based in places such as South Korea but also in other nations across the world, to bring the issue to the attention of the wider public—something that they are very successful at doing and must be thanked for and congratulated on.

I welcome the action taken by the UK Government and the Scottish Government to combat animal cruelty within these borders, which sadly needs to be constantly acted on, although I believe that we are winning this particular battle by educating the population on the complete unacceptability and illegality of animal cruelty. Like so many issues, animal cruelty and mistreatment crosses national borders, sometimes literally with the transportation of animals that are travelling in terrible conditions between countries, which brings me on to the dog meat trade—specifically, for this debate, in South Korea.

For most people, especially in the UK, the idea of dog meat being eaten by humans goes against the grain, as dogs are very much part of family life and have been for millennia. However, the practice of eating dog meat is culturally acceptable in a number of countries across the world and therefore, as many hon. Members have said, we must be very cautious and sensitive when dealing with the matter in order to achieve a positive outcome.

I will enter a caveat, though. It is worth stating that all cultures change and evolve. We do not seek to force our cultural perceptions of eating dog meat on the people of South Korea and other nations, as that would potentially make matters worse and undo the important

work that has been carried out by animal charities in South Korea. That work has led to the South Korean Government introducing legislation and regulation in relation to the methods used by those involved in the dog meat trade, in an attempt to counter the bad practices associated with it.

The actions of the South Korean Government, specifically in relation to this debate, are a step in the right direction, but animal rights groups argue that the regulations have had very little impact in terms of stopping the trade altogether, so great challenges still lie ahead in bringing about comprehensive change. It must be noted, however, that the practice is falling out of favour with the younger generation. As the hon. Member for Bristol East (Kerry McCarthy) said, it did not really come to prevalence until the Korean war, so the link between conflict and poverty and the need to eat meat is clear.

The UK Government have an important and vital role to play, particularly through the education of people on the arguments about human health and animal welfare, as those are the best ways to get communities and societies to change. Only by working together with the Government, people and animal rights charities in South Korea can any change be brought about. We cannot and must not force them to follow our path, but we can certainly offer them our full support and encouragement.

The dog meat trade is an extremely important animal welfare issue, and I am proud that the Scottish National party and our Government in Edinburgh are committed to supporting charities working with international counterparts to promote and protect animal rights globally. I am sure that the UK Government will take this issue seriously and, as highlighted by the hon. Member for North Down (Lady Hermon), work with all devolved Governments in promoting animal welfare with our global partners.

5.19 pm

Gavin Robinson (Belfast East) (DUP): Given that we are within the first hour of the debate it is appropriate to thank you, Mr Nuttall, for calling me so early in this session. I have enjoyed every contribution that has been made. In particular, the hon. Member for Hertsmer (Oliver Dowden) had a difficult task in not only presenting his views but doing justice to the petition. That is not something he wrote, but it is appropriate we consider it here this afternoon. I do not disagree with a word said by any of the contributors thus far and because of that I want to build on the contributions that have been made about the soft power that we as a country and the Foreign and Commonwealth Office should be using to, if not coerce, certainly concentrate the minds of those who can make a change in South Korea to what, we all accept, is a horrendous situation.

It was great to get the Library briefing, which is incredibly detailed and starkly paints the difficulties that we face. This is a \$2 billion a year industry in South Korea. It is not just a few restaurants that need to be hidden from public view when people visit for the winter Olympics in two years' time; there are 20,000 of them in South Korea. There are 9,000 health food stores selling the tonics that my hon. Friend the Member for Strangford (Jim Shannon) referred to. This is a massive part of the local economy in South Korea. I am

[Gavin Robinson]

keen to hear from the Minister whether discussions have been had, or could be had, with his colleagues responsible for agriculture or in the Department for Business, Energy and Industrial Strategy to show an alternative income stream for farmers who clearly recognise how lucrative the dog meat trade is in their country and to encourage them—whether diplomatically or economically—to shift their focus and recognise that there is a better way to provide for their people.

Contrary to popular belief the dog meat available for sale in South Korea is not cheap, so although it may have started off as a response to the impoverished conditions of the Korean war, it is not something that remains because people cannot find alternative sources of food—it is a choice, a lucrative choice. If we have a response to make this afternoon, it should be to focus on how we as a country do not just cajole but encourage those involved in the dog meat trade—whatever motivates them—to change their tack, change their focus and recognise that they should inject a better form of welfare to the meat industry they are involved in.

Given that we do not have a business or agriculture representative from Government here, it is appropriate that we recognise that—although the dog meat trade is an important debate and 102,000 people signed the petition nationally so that we would consider it here today—the Foreign Office and South Korea have some bigger issues on their plates at the moment. South Korea, only a day ago, was threatening to declare nuclear war with North Korea following a test-fired missile within the last week. That just shows how difficult the situation is within that region of our world and how difficult the politics are within the region from a Foreign Office perspective.

Although I recognise the Minister will give us his commitment today that he will take the issue of dog meat seriously, it is incumbent upon us as representatives of this United Kingdom Parliament to recognise that some issues—even though this is an important one—are more acute for South Korea, North Korea and the international world at large. Although I know the Minister will give us a commitment of his tenacity on this issue, we need to recognise that this is one of many that require a focus with South Korea.

Mr Nigel Dodds (Belfast North) (DUP): I am grateful to my hon. Friend for his thoughtful speech and the important points he is making. I also congratulate the hon. Member for Hertsmere (Oliver Dowden) on initiating this debate. My hon. Friend mentioned soft power and ensuring that we continue to keep this matter to the fore of people's minds, despite the other very acute issues that are out there.

We accept that South Korea, the UK Government and other Governments are dealing with other grave matters, but is it not important—the Olympics come round every four years as has been said—that we do not allow these issues to come round now and again, but that we continue to raise them in a supportive and positive way through engagement with the South Korean Government? As parliamentarians, our duty is to continue to raise these matters with our own Ministers and on the international bodies that we are represented on.

Gavin Robinson: I am grateful to my right hon. Friend for that contribution. The hon. Member for Bristol East (Kerry McCarthy) made reference to the Yulin dog meat festival, which has been considered in Westminster Hall and in the main Chamber. I was pleased to join her colleague, the hon. Member for Stoke-on-Trent South (Robert Ffello), when we presented a petition to the Chinese embassy in London. They did not open the door, but I have no doubt we will be back next year. My right hon. Friend's point is incredibly important: we cannot focus on this just because of the winter Olympics and the opportunity in the next two years to shine a spotlight on the dog meat industry in South Korea. It is our job to make sure that the focus does not wither.

Building on the comments that have been made about some of the local issues we face on animal cruelty and animal welfare, it is important to recognise that from my own constituency's perspective, we do not have our sorrows to seek. Individuals are convicted for dog fighting and for stealing domestic cats in order to train their dogs to be involved in the dog fighting industry. I received an email today—I will have to look at it in more detail—that suggests that permission has been given for a beagle farm in Hull for 2,000 dogs to be bred per year for the pharmaceutical and cosmetic industries. I do not know enough about that, and I am not sure I am in a position to consider criticising it at this stage because I recognise the necessity, but it is incumbent on us all to recognise that it is not just outwith this country that there are welfare issues.

Kerry McCarthy: On that particular point, it is particularly disappointing that, as I understand it, the local council opposed the setting up of the beagle farm for toxicity tests on dogs; the former Secretary of State for Communities and Local Government, the right hon. Member for Brentwood and Ongar (Sir Eric Pickles), also rejected it; and it was only when there was a change of incumbent in that post that it was allowed. It is really disappointing that it has been allowed. The two leading lights of the campaign against it are Stanley Johnson and Professor Michael Balls—both of whom have sons who have been Members of this place. They are formidable campaigners on this, and I hope that we can eventually overturn it.

Gavin Robinson: I am grateful for that additional information, although I am sure that if I proceed with the issue you will remind me it is ancillary to the debate at hand, Mr Nuttall. The broader point is that on animal welfare—issues that not only motivate us, but create a really passionate response from our constituents and have encouraged more than 100,000 people to sign the petition—we cannot lose sight of those easy wins or important goals that we should be seeking to secure at home as well as abroad. With that, I am grateful for the opportunity to contribute to the debate and I look forward to the responses by those on the Front Benches.

5.27 pm

Dr Paul Monaghan (Caithness, Sutherland and Easter Ross) (SNP): I congratulate the hon. Member for Hertsmere (Oliver Dowden) on leading this debate so effectively, and also congratulate other Members on contributing in a very positive and intelligent manner.

E-petition 120702 has attracted over 100,000 signatures—many from Scotland—and I feel that reflects widespread concern across the nations of the UK about animal welfare generally, and the welfare of dogs in particular. Today we have heard alarming and upsetting reports of dogs being mistreated and abused in the dog meat trade; however, we must be cautious in our approach towards other countries' cultural practices and be sensitive in working to bring about change, as noted by my hon. Friend the Member for Rutherglen and Hamilton West (Margaret Ferrier). This is particularly the case given the prevalence of animal crimes such as dog fighting in the UK. It is clearly important that we recognise our own weaknesses and respect the sovereignty of other nations. Again, I am grateful to my hon. Friend the Member for West Dunbartonshire (Martin Docherty-Hughes) for making that point so clearly, along with the hon. Member for Belfast East (Gavin Robinson).

Many Asian countries have only relatively recently begun to consider dogs as pets and so the animals are viewed very differently from the way they are viewed in the west. The reverse is also true. Some Asian countries consider cattle and pigs in very sacred terms and view our slaughter and consumption of those species as completely unacceptable. I hope that highlights the extent to which we must be mindful of other nations' rights and cultural practices. Again, that point was well made by the hon. Member for Bristol East (Kerry McCarthy).

The SNP Government in Scotland take the welfare of animals very seriously and have led the way in protecting and promoting animal rights. I wish that approach to be sustained. In that context, my colleagues and I in the Scottish National party strongly condemn the abuse and inhumane treatment of all animals, including dogs within the dog meat trade. We encourage a cautious and culturally sensitive approach to bringing about change that supports animal rights groups in South Korea, and indeed, in other countries. Some progress is being made in that regard, with a growing political movement in South Korea championing animal rights. We should encourage that movement, as I think we all agree.

E-petition 120702, which relates specifically to South Korea and the dog meat trade, seeks to urge the South Korean Government to end the unsympathetic and often brutal treatment of dogs. We know that in South Korea an estimated 5 million dogs are slaughtered every year for their meat and we understand that during the 1988 Seoul Olympics, the South Korean Government attempted to hide dog meat restaurants from the international media to avoid criticism. That act implies, of course, both an awareness of the dog meat industry in South Korea and, perhaps more importantly, an understanding by South Korea of how that trade is perceived by the outside world.

Thirty years later, many of us here today are concerned that the International Olympic Committee has authorised South Korea to hold the 2018 winter Olympics, given that the use and abuse of dogs remains the same, if perhaps not worse, as the hon. Member for Strangford (Jim Shannon) suggested. On behalf of the Scottish National Party, I ask the UK Government to speak against the IOC's judgment and ask the South Korean Government to respond to the dog meat issues identified here today, with a view to making the abuse of dogs in this trade illegal.

I alluded earlier to the fact that South Korea is not alone in allowing the breeding and slaughter of dogs for human consumption. As we have heard, the World Dog Alliance has produced an important analysis of this lucrative trade across Asia. Sadly, the trade is common across Asia, with countries such as China, the Philippines and Vietnam, in addition to South Korea, considering it culturally acceptable to varying degrees to eat dog meat. Many will be surprised, however, to learn that dog meat is also consumed in Switzerland, Mexico, the Arctic and the Antarctic, despite most western cultures considering the slaughter of dogs for meat unacceptable.

What is perhaps important here is the condition in which dogs are often kept prior to being slaughtered for human consumption. Some argue that dogs are often tortured before being killed because of a belief that it causes their meat to be tender. There are also concerns that most so-called "meat dogs" are stolen companion dogs and strays who are kept in terrible conditions while being transported from country to country. There are distressing accounts that reflect practices that are inconsistent with the Korea Food and Drug Administration's regulations classifying dog meat as a "repugnant" food.

I am also pleased that South Korea's Animal Protection Amendment Act 2007 expressly prohibits some cruel methods used by people in the dog meat trade to handle and slaughter dogs. However, animal rights groups have found that the regulations have had little impact to date on the trade in dog meat. Perhaps more promisingly, animal rights groups have pointed out that the consumption of dog meat is going out of favour with younger generations. Again, that should be encouraged.

Given that there are no international laws prohibiting the consumption of dog meat, the challenge for the UK Government is not one of intervening or implementing trade measures against countries where the consumption of dog meat is regarded as culturally acceptable, it is one of diplomacy—and for the UK Government to instruct ambassadors and Foreign Office officials to raise the issues highlighted here today with the Governments of China, the Philippines, Vietnam, Switzerland, Mexico, South Korea and others.

Alex Chalk (Cheltenham) (Con): Does the hon. Gentleman agree that for those approaches to be successful, they have to be handled extremely sensitively to avoid them being counter-productive? If they are handled sensitively, that gives us the best chance of achieving the progress we all want to see.

Dr Monaghan: I absolutely agree with the hon. Gentleman. Clearly, if we are to have an impact and an influence on other nations that are trading in dog meat and allowing its consumption, we have to do so very sensitively, in ways that are culturally sensitive and reflective of our practices here in the UK.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): Does my hon. Friend agree that despite the apparent desperation of the UK Government regarding the potential trade ramifications of Brexit, that should be no rationale for failing to put pressure on countries that engage in animal welfare and cruelty issues, as is the case with South Korea and the dog meat trade?

Dr Monaghan: I absolutely agree with my hon. Friend. There is nothing to say that Brexit and our attempt to influence the practices of other nations cannot occur in parallel.

In doing all that, the UK Government must reflect the interests and concerns of all those who have signed this petition and advance those interests in a sensitive and supportive manner, as I said, to bring about an end to the abuse of dogs farmed or stolen for human consumption. The UK Government should also provide diplomatic support for animal rights groups that are operational in South Korea and support their valuable work in taking action in a culturally sensitive and educational manner.

In response to this petition, the UK Government have stated:

“The British Embassy in Seoul has raised the issue of cruelty towards animals on numerous occasions with the South Korean authorities and explained that the UK public and parliamentarians would like to see Korean regulation that would bring the practice to an end. We will continue to seek further opportunities to raise the issue, in particular as we approach the Winter Olympics in 2018, and will monitor developments in the practice in the Republic of Korea.”

In the absence of international norms, laws or agreements governing the trade and consumption of meat, the Scottish National party believes that it is necessary to work with Governments around the world to build consensus on animal welfare standards and to phase out cruel and inhumane farming.

The trend in South Korea is such that dog meat consumption seems likely to diminish and perhaps even end due to the growing public awareness and recognition of animal rights and the health risks associated with eating dog meat. Dogs are known to be intelligent, trusting and empathetic and possess a range of senses of such acuity that we have only just begun to identify and fully understand them.

Dogs are one of the few animals capable of following a human's gaze, implying an awareness of “other”. Those attributes arguably differentiate dogs from other animals, and certainly other animals that are normally farmed. We ask the Government to take affirmative action, to listen and to hasten an end to the consumption of dog meat in South Korea. The Scottish National party will support that diplomatic mission.

5.38 pm

Catherine West (Hornsey and Wood Green) (Lab): It is a pleasure to serve under your chairmanship, Mr Nuttall. A number of excellent contributions have been made today, and as ever with many of these Westminster Hall debates, there has been a great deal of consensus across the Chamber.

With over 100,000 individuals signing the petition relating to animal cruelty and dogs, in particular, in South Korea, it has evidently sparked a lot of interest among our constituents, so it is very pleasing to be able to speak in the debate on behalf of Labour and to challenge the Minister to do all he can to put this issue on the record personally and through his offices in the Foreign Office. We have heard a number of excellent contributions, not least from the hon. Member for Hertsmere (Oliver Dowden) who set the debate off and particularly underlined the fact that the 2018 winter

Olympics gives us a good opportunity to talk about this issue and our constituents' concerns about the cruelty of the animal trade.

Several concerns persist about the use of dogs for meat. In particular, many of the dogs are kept in terrible conditions, including in a system similar to that of battery chickens in which dogs are tightly confined in metal cages and subject to long periods in the hot sun of Korean summers and the freezing cold of winters without the ability to move freely around.

The way in which dogs are bred remains an issue in the UK but it is of far greater concern in South Korea given that there is less government regulation there. We have read many briefings about deformities, and fertility and inherited health conditions. Those issues are rightly of great concern to leading charities, constituents and campaigners. Tragic incidents of dogs being fed on other dogs have come to light through briefings. Has the Minister raised those issues with Minister Yun Byung-se?

Tackling the issue must go beyond pressing for legislative reforms. This afternoon, we have heard about some cultural changes, which are very welcome indeed. The fact that many of the older generation are partaking less in the tradition of eating the product and that younger people tend to have chicken soup rather than dog stew is probably a positive culinary development. I am pleased that the Minister and his officers are prepared to tackle some of the cultural norms, and we must not be afraid of doing so. The practice of having a pet is now becoming common in Asia, which is perhaps leading to a greater understanding of the inappropriateness of the treatment of many poor animals.

I will draw briefly on some highlights of the debate. I was interested to hear the reflections of the hon. Member for Belfast East (Gavin Robinson). The past week has shown that there are, indeed, massive political issues in the Korean peninsula, and it would be remiss of us not to mention that. I have every sympathy for the Minister in organising his priorities when he next meets with Korean colleagues and his opposite number.

My hon. Friend the Member for Penistone and Stocksbridge (Angela Smith) made a salient point about the European Union, hoping that our own regulation will not go backwards. Indeed, the Scottish National party spokesperson, the hon. Member for Caithness, Sutherland and Easter Ross (Dr Monaghan), mentioned that the UK has a wealth of experience because of our traditions and our relationship with the EU. We hope that we do not go backwards in the post-Brexit confusion that we seem to be in, but that we continue to hold those standards as high as we possibly can.

The hon. Member for Rutherglen and Hamilton West (Margaret Ferrier) mentioned foxhunting. I am sure that South Korean campaigners feel strongly about that, and they are quite right to raise the issue of such practices in some of our rural and countryside areas.

My hon. Friend the Member for Bristol East (Kerry McCarthy) has spoken eloquently not just today, but in previous debates, about best practice in animal husbandry. She has a great track record of interest in and love of animal welfare, as well as human rights. She was quite right to hark back to the golden era of Lord Hague, when human rights and such issues were higher up the agenda. At that time, we enjoyed having a sense of

peace of mind that such issues were being raised at the highest level. The feeling now is that when Foreign Office Ministers meet with their counterparts abroad, the approach not just to human rights, but to animal welfare, is different. However, I would be happy to be disabused of that notion if the Minister chooses to have that debate.

My hon. Friend the Member for Bristol East was right to mention that other parts of Asia, including Singapore and other countries, have outlawed dog meat. Will the Minister comment not just on the cultural change, but on the change happening in the region?

My hon. Friend the Member for Mansfield (Sir Alan Meale) made a good point about making a stand and ensuring that, as Members of Parliament, we tell our Government what we would like on the list of priorities and the agenda when the Minister meets with his counterpart in South Korea.

Mr Andrew Smith (Oxford East) (Lab): I am grateful for this late and welcome opportunity to support my hon. Friend's points and to join all those who want the maximum pressure exerted to stop these appalling practices.

Catherine West: We are all aware of the high-profile debate about grammar schools in the Chamber now, which is perhaps why there are not as many hon. Members in Westminster Hall. Nevertheless, we have representation from almost every party, which is great.

Lady Hermon: A number of hon. Members referred to the atrocious trade of greyhounds being exported and cruelly consumed in South Korea. Greyhounds are very intelligent animals. They also have a high haemoglobin count and are one of the few types of dog that can give another dog a blood transfusion. Therefore, will the hon. Lady take the opportunity to say something about what her party, as a united party on this issue, might do to ensure that greyhounds are not exported through Europe or elsewhere, so that they are not consumed—which is a grisly business—in South Korea?

Catherine West: My hon. Friend the Member for Bristol East has a track record of raising that issue on a number of occasions and has been a champion for animal welfare. Certainly, we could raise the greyhound issue with the Government again. Perhaps we could even seek a further debate here so that we give campaigners every assurance that it is at the top of our animal welfare agenda.

Finally, there are questions that go beyond the specifics of dog meat. The UK has come a long way in improving practices to ensure that our meat industry has, as much as it can, a sense of health and safety, welfare requirements and systems for oversight and scrutiny. Depending on the level of detail into which the Minister gets with his colleagues in South Korea, perhaps we could do some best practice exchanges. Our universities and veterinary schools have excellence in research and development. Are there some R and D exchanges that the Minister could give us some assurance on?

I thank you, Mr Nuttall, for chairing the debate. I hope we can continue to see progress, particularly in the timing of the Minister's interventions with his opposite number. As the big events of 2018 come up, he will have more opportunities to develop relationships with countries

that are hosting large sporting events. He, his officers, his parliamentary private secretaries and all the other Ministers who get to pop into South Korea and make representations on many issues can try several different approaches.

5.48 pm

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Alok Sharma): It is an absolute pleasure to serve under your chairmanship in this incredibly important debate, Mr Nuttall. I congratulate my hon. Friend the Member for Hertsmer (Oliver Dowden) on accepting the petition and securing the debate, and I thank the Petitions Committee for its work.

I begin by declaring an interest. My family and I adore dogs. My right hon. Friend the Member for Witney (Mr Cameron) demonstrated his love for cats—specifically Larry, the No. 10 cat—by producing photographic evidence. If right hon. and hon. Members will indulge me, I would also like to offer some photographic evidence of Olly, my five-year-old golden retriever. It is often said that dogs and owners end up resembling each other—

Mr David Nuttall (in the Chair): Order. I am sure that the Minister is keen to show us his dog, but he is out of order.

Alok Sharma: I apologise, Mr Nuttall. [*Interruption.*] There is a different view, perhaps, in the Public Gallery. I have induced an element of levity and I apologise if that was not warranted. I did it to make the point that people in this country have a special relationship with dogs. Like millions of dog owners across our great nation, my wife, daughters and I regard our dog as a treasured member of our family. I am certain that all hon. Members present who have dogs feel exactly the same way about their canine friends.

The Westminster dog of the year competition is a wonderful innovation that allows individual parliamentarians not just to showcase their best friend but to highlight to the world at large that those who make Britain's laws care deeply about the welfare of animals. The very idea of eating dog meat or allowing any form of cruelty to be visited on dogs, or indeed on any other animal, is anathema to us all.

It is clear that the British public feel strongly about the dog meat trade in South Korea and more widely. More than 100,000 people signed the petition, and we have had excellent contributions from hon. Members highlighting their own and their constituents' heartfelt concerns. My hon. Friend the Member for Hertsmer made an excellent opening contribution. He wanted to know what specifically the UK Government are doing to engage South Korea in dialogue on this issue, which I will address later. The hon. Member for Bristol East (Kerry McCarthy) made a fantastic speech, and she was keen to make the point that the UK Government should not somehow hide behind the fact that in some countries it is legal to eat dog meat. She pressed me on what we are doing as a Government.

The hon. Member for Rutherglen and Hamilton West (Margaret Ferrier) talked about the support that the UK Government may be providing to local charities in

[Alok Sharma]

some of these jurisdictions. She and a number of other hon. Members also spoke about the winter Olympics, which I will of course discuss later. The hon. Member for Strangford (Jim Shannon) talked about local charities and the work that South Korean politicians may be doing on this issue. Again, I will address that in my remarks. The hon. Member for West Dunbartonshire (Martin Docherty-Hughes) said that culture evolves, and he is right that culture does evolve in these countries. I will talk about how culture is evolving and coming around to our way of thinking on dogs and animal welfare.

The hon. Member for Belfast East (Gavin Robinson) made an important point about the use of soft power. We have a good relationship with the South Korean Government and many other Governments in that part of the world, and of course we should be using those relationships. The hon. Member for Caithness, Sutherland and Easter Ross (Dr Monaghan) said that we need to take a sensitive approach in such discussions. After all, this is about persuasion.

The hon. Member for Hornsey and Wood Green (Catherine West), the shadow Minister, also wanted to know about the winter Olympics, and she echoed the points raised by the hon. Member for Bristol East about how the Foreign Office is working with other Departments to highlight issues related to animal welfare and human rights. The shadow Minister made an interesting point about exchanging best practice in the meat industry.

I hope to cover many, if not all, of those points. If I do not manage to cover them all, I will be happy to have a further discussion with hon. Members. Of course, I will write to them on any substantive issues that they wish to raise.

Rebecca Pow (Taunton Deane) (Con): Huge apologies for being late. I would have put in to speak in this debate, but I could not get here.

I am the co-chair of the all-party animal welfare group, and I have two quick points. Given that we have such a high reputation across the world for our animal welfare, I urge the Minister to use those levers to work with countries where dog meat is still on the menu and with pet owners in those countries on animal welfare standards and on forming their own strong lobbies against the dog meat trade.

My second point, which I am sure has already been raised, is on rabies. There is a strong connection between handling dog meat and a high incidence of rabies. On health grounds, we should press that handling dog meat is not a good practice.

Alok Sharma: My hon. Friend makes some excellent points, which I will cover. She is right that we need to highlight the negative health issues connected with eating dog meat. Of course, we should also encourage those who are working hard in many of these jurisdictions to change attitudes and culture. I will talk about what is happening in a positive way in some of these countries, particularly in South Korea.

Given our discussion, I would like to raise three particular aspects. First, my hon. Friend the Member for Hertsmere and many others raised the cultural

aspect of the consumption of dog meat. Secondly, there is the issue of welfare and the conditions in which the dogs are reared before they are subsequently killed for their meat. Specifically, I will address what we, the British Government, are doing to influence change. Thirdly, as my hon. Friend the Member for Taunton Deane (Rebecca Pow) just pointed out, I will cover the potential health risks of eating dog meat. I will also discuss the enormous amount of work that the UK Government are leading on antimicrobial resistance.

As hon. Members have noted, eating dog meat has been part of the culture of certain countries—sometimes going back hundreds of years and sometimes, as has been pointed out, slightly more recent. However distressing we may find the consumption of dog meat, we need to recognise that there are cultural differences across the globe. We need to respect that in some countries the sale and consumption of dog meat is legal.

Dogs are not an internationally protected species, and there are no international norms, laws or agreements covering the trade and consumption of dog meat. As a Government we aim to influence changes in attitudes and behaviour. No one would be happier than me if the consumption of dog meat ended tomorrow, but dictating to people in South Korea or anywhere else that they should not eat dog meat would be akin to another country telling us that we should not eat beef or pork. We need to win hearts and minds as a way of effecting change in attitudes to dog meat consumption. I will outline the specific support that the British Government are providing in that respect.

It is encouraging that in countries where dog meat is consumed—a number of hon. Members alluded to this—there are already signs that the culture and tradition are beginning to fade among the younger generation and the emerging middle classes, who view dogs as pets and companions rather than as a food source. In a recent survey 60% of under 30-year-olds in South Korea said that they regarded dogs as pets, and we would all expect that trend to continue.

In May 2016, 300,000 Koreans signed a petition calling on their Government to improve the country's animal welfare Act. The petition was started by the Korean Animal Welfare Association, and it garnered those 300,000 signatures in five days on the back of Korean TV broadcasting a programme called "Animal Farm", which highlighted abuses at puppy farms in the country. We should take heart from those trends and celebrate that many people in countries with a history of dog meat consumption share British attitudes towards dogs.

Although we need to be culturally sensitive, it is right that we speak up loudly on animal welfare matters. The UK Government take seriously all reports of animal cruelty wherever it takes place, whether in Britain or elsewhere. We are committed to raising standards of animal welfare and to phasing out cruel and inhumane practices both in the UK and overseas. Members have noted some of the cruel practices to which dogs reared for meat are subjected, and they have pointed out that in recent days a number of national newspapers have graphically highlighted some of the awful suffering and pain to which dogs are subjected in captivity and as they are killed. I was absolutely shocked by those images. There can be no excuse for barbarity against animals, wherever it takes place.

[PHIL WILSON *in the Chair*]

The British Government are at the forefront of efforts to protect the welfare of animals. In Britain, all owners and keepers must provide for the welfare needs of their animals. Failure to do so is an offence. I acknowledge the important work done by organisations such as the International Fund for Animal Welfare and, of course, the Royal Society for the Prevention of Cruelty to Animals to improve standards of animal welfare both in the UK and in other countries. More widely, the United Kingdom hosted the first high-level conference on the illegal wildlife trade in 2014, in which more than 40 countries participated.

The dog meat trade was last debated in this House in November 2015. In that debate, the former Under-Secretary of State for Foreign and Commonwealth Affairs, my hon. Friend the Member for Rochford and Southend East (James Duddridge), gave an account of the work that we are doing in the Asia-Pacific region. As this petition relates primarily to South Korea, I will outline our work on this issue in that country specifically, although of course we are working with a range of countries, as the Government outlined last year.

Andy Slaughter (Hammersmith) (Lab): I apologise for not having been here earlier. The Minister mentioned the debate a year ago; I was there. Little progress seems to have been made since that time, but there has been a change in view among some politicians in South Korea and elsewhere. What specifically are the Government doing to work with those progressive forces, if I can put it that way, on this serious issue?

Alok Sharma: I will come to what we are doing, and what I personally have done, in terms of dialogue with representatives of the South Korean Government. We must acknowledge that there has been some change. I mentioned the changes in South Korea itself, and the fact that people in that country are recognising the need for change. We must give credit where it is due. With respect, I would say that progress is being made. It might not be fast enough for all of us in this room, but it is being made. As I said, I will come to what the Government and I are doing specifically in terms of dialogue with the South Korean Government.

Before I explain what action we are taking specifically on the dog meat trade, I will outline our broader bilateral relationship with South Korea, which a number of Members mentioned. The state visit by President Park in 2013 and our annual Foreign Secretary-level strategic dialogue are testament to the strength of our growing strategic partnership. Our bilateral discussions range widely, from the situation in North Korea to security in the wider region, climate change and terrorism.

Numerous Members, including the shadow Minister, alluded to the situation in North Korea. I can confirm that this afternoon I summoned the North Korean ambassador to the Foreign Office and explained to him in strong terms that the British Government do not believe that what the North Koreans are doing in terms of nuclear testing is acceptable.

However, we share similar views with South Korea on many international issues; our voting records in the UN General Assembly and Human Rights Council are closely aligned. We supported and welcomed South Korea's decision to deploy personnel to the UK-led effort to

tackle Ebola in Sierra Leone. It was the only non-western country to do so, and the fact that South Korea chose to partner with the UK is further evidence of our strong relationship. We welcome increasing bilateral trade and investment ties between our two nations. It is the strength of our bilateral relationship and growing friendship that allows us the space to speak frankly on so many matters, including the dog meat trade.

Indeed, this morning, before this debate, I spoke to the South Korean ambassador, Ambassador Hwang, on the subject and explained the strength of feeling here in the UK. His view, as he expressed it, was that the South Korean Government are trying to address this issue by raising awareness around pet ownership and educating the Korean public about animal welfare issues. As he pointed out to me, the number of restaurants in South Korea serving dog meat is decreasing, while the number of pet owners is increasing.

Jim Shannon: In my speech, I mentioned that in the five months from May to September, 51 National Assembly members in South Korea signed up to a group, similar to our all-party parliamentary groups, on the sale and consumption of dog meat. Have the British Government had the opportunity at any stage to speak to that group? If not, I encourage the Minister and the British Government to do so.

Alok Sharma: We talk to a range of organisations, but I am happy to discuss the issue with the hon. Gentleman subsequent to this debate. We certainly know that there is an opportunity and a need to engage, not just with the Government but with charitable organisations.

Natalie McGarry (Glasgow East) (Ind): Given the great success of the Westminster dog of the year competition last week, of which the Minister spoke so highly, could he have a diplomatic word with his counterpart regarding that great success? Surely it would be a small but significant step in changing attitudes and minds if the South Korean Government also hosted such an event annually.

Alok Sharma: The hon. Lady raises an intriguing point. I am sure that many people will be listening with great interest to this debate, including representatives of the South Korean Government, and that they will have heard that very good suggestion.

Several Members commented on the work being done by South Korean politicians. It was reported in July 2016 that, in response to media coverage, the South Korean Agriculture Ministry had launched an investigation into serious abuses at the country's puppy farms and thousands of other places where dogs are raised for meat. A meeting was held at the South Korean National Assembly in August to discuss revision of the Animal Protection Act, and I understand that an amendment may be tabled sometime this autumn.

What else are the UK Government doing to tackle the scourge of appalling welfare conditions experienced by many dogs? We face limitations. As hon. Members have noted, the consumption of dog meat is not illegal in South Korea and a number of other countries, dogs are not an internationally protected species and, of course, the UK has no jurisdiction to take action in countries where the practice is legal. However, I agree

[Alok Sharma]

that although we have no legal jurisdiction, we can and do still work hard to make our views known to the South Korean Government and press for change.

Our ambassador in Seoul has raised the issue of animal welfare, and the dog meat trade in particular, with the South Korean authorities on several occasions, and has stressed the desire in the UK to see the practice brought to an end. Our reputation as a nation of animal lovers means that we can make a strong case for dogs as pets rather than as food. We raise with South Korea our concerns about the conditions in which dogs in the dog meat trade are kept.

We are also working with charities operating in South Korea, both to encourage improvement of those conditions and to encourage dog farmers to seek other sources of income, a point made by the hon. Member for Belfast East. The UK charity Change for Animals Foundation offers dog farmers alternative avenues for income, buys their animals and sends the dogs to rescue centres around the globe. Farmers who take part in the scheme sign a legally binding contract preventing them from rearing dogs in the future. In April, officials from our embassy in Seoul visited a dog farm with the charity. The farmer had more than 250 dogs that he agreed to sell to the charity and start a scrap metal business instead, using the cages left over from the farm. Other previous dog meat traders have switched to other pursuits, including beekeeping. We will continue to support the work of that charity.

Health risks have been discussed. Although we want an end to the eating of dog meat and to the dog meat trade itself, until that happens we want to encourage the South Korean Government to improve regulation in the industry—the shadow Minister alluded to that as well—not just on animal welfare grounds, but due to the risks to human health associated with anti-microbial resistance when antibiotics used in livestock farming enter the food chain. It has been reported that the use of antibiotics in the dog meat trade is widespread in South Korea. Although the World Health Organisation recognises that the use of antibiotics in livestock farming is a concern, no research is currently available on the impact of AMR caused by the use of antibiotics in the dog meat trade.

The UK is an international leader on tackling AMR and is committed to full implementation of the 2015 global action plan. We will host an AMR event in New York at the UN General Assembly later this month, and we have invited South Korea to take part. Several hon. Members discussed changes in attitude in other countries in south-east Asia. When we talk about the health risks of eating dog meat, it is worth noting that in 2013 the Philippines outlawed the consumption and sale of dog meat in an attempt to prevent the spread of rabies.

Several hon. Members mentioned the forthcoming winter Olympics in Pyeongchang in 2018. High-profile global events such as Olympic games can be a catalyst for positive change. The South Korean Government will be aware that the high profile of the winter games could cast a spotlight on issues such as the dog meat trade, and we will continue our dialogue with them on it.

The hon. Member for Bristol East raised the issue of human rights. I want to make it clear that we regularly raise human rights issues with relevant countries where

we have concerns; I have done so myself in my two months as a Minister. The Department for International Trade is now in the same building as my Department, the Foreign and Commonwealth Office, and we have a regular dialogue, but I will certainly take the hon. Lady's points on board.

We will continue to work with the devolved Administrations to ensure that all Governments in the UK do as much as possible to promote animal welfare standards in the UK. We will also continue to work with our international partners.

Pedigree racing dogs were also mentioned. The animal reception centre at Heathrow plays an incredibly important role in enforcing the regulations that protect animal welfare during transport. In May, the centre prevented greyhounds from Ireland from being transported to China, because their cages were deemed too small to meet the requirements designed to protect the welfare of animals during transport on planes. We do take action where we see the need.

The hon. Member for Upper Bann (David Simpson) asked what checks there are on meat that comes into the UK and whether there is any contamination of the food chain. Given what has happened in the past, that is a perfectly relevant question. Any meat imported into the UK, or indeed into the EU, has to be accompanied by a health certificate to attest that it has met certain requirements. The UK has strict procedures in place to prevent meat such as dog meat from entering the food chain.

A point was raised about the work of Humane Society International and whether the Government are interacting with it. I can confirm that the Department for Environment, Food and Rural Affairs is funding an HSI project in Vietnam, through the UK Government's illegal wildlife trade challenge fund. However, the Government are not working directly with HSI on the issue of dog meat.

This has been an incredibly important and wide-ranging debate, in which Members have raised some incredibly important points. I am absolutely sure that people outside the House who have watched the debate will have understood the strength of feeling of Members of Parliament and of the many others present today. I assure the House that, although the dog meat trade and the practice of eating dog meat may not be illegal, there is nothing to stop us from raising our concerns about it with the South Korean Government or other Governments, as we have done in the past and will continue to do.

More widely, the UK remains committed to its global leadership role in helping to tackle the illegal wildlife trade. We will continue to work to raise standards of animal welfare across the world and to end animal cruelty wherever it prevails. Governments and peoples around the world listen to the views expressed in the British Parliament, and I am certain that this debate—and the heartfelt contributions from all hon. Members present—will be another significant milestone on the road to helping to improve the welfare of dogs and, ultimately, to ending the dog meat trade itself.

6.14 pm

Oliver Dowden: Thank you, Mr Wilson, for assuming the Chair after my hon. Friend the Member for Bury North (Mr Nuttall).

I think all hon. Members will agree that we have had a very good debate this afternoon. The passion of the contributions reflects the passion of the correspondence we have all received from our constituents. I hope that those people who have written to us feel satisfied that the debate has properly been heard in the Westminster Hall Chamber.

I thank the Minister for his response and for his particularly visible demonstration of his love for animals. He dealt comprehensively with all the points raised, but I echo many hon. Members—particularly those who have been engaged with this campaign for a long time—in saying that actions speak louder than words, and that we look forward to the Minister taking our suggestions forward.

Perhaps it is appropriate, at the end of the debate, to reflect on the famous words often attributed to Gandhi:

“The greatness of a nation can be judged by the way it treats its animals.”

Question put and agreed to.

Resolved,

That this House has considered e-petition 120702 relating to South Korea and the dog meat trade.

6.15 pm

Sitting adjourned.

Written Statements

Monday 12 September 2016

FOREIGN AND COMMONWEALTH OFFICE

EU Foreign Ministers Meeting (Gymnich)

The Minister for Europe and the Americas (Sir Alan Duncan): My right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs attended the bi-annual informal meeting of EU Foreign Ministers (known as the Gymnich) on 2-3 September in Bratislava, Slovakia. The Gymnich was hosted by Miroslav Lajcak, Minister of Foreign Affairs of Slovakia and was chaired by the High Representative of the European Union for Foreign Affairs and Security Policy, Federica Mogherini. Discussion centred on Turkey, implementation of the Minsk agreements, the EU Global Strategy and (with the candidate countries) counter-terrorism and counter-radicalisation.

Johannes Hahn (EU Commissioner for Neighbourhood Policy and Enlargement Negotiations) also attended. Elmar Brok (Chairman of the European Parliament's Foreign Affairs Committee) was present for the sessions on 2 September. EU Foreign Ministers met with Omer Qelik (Turkish Minister for EU Affairs) and then with the Foreign Ministers of the candidate countries on the morning of 3 September.

The format of the Gymnich is designed to allow EU Foreign Ministers to engage in informal discussion on a number of issues. In contrast to the Foreign Affairs Council (the next of which will be held on 17 October), Ministers do not take formal decisions or agree conclusions at the Gymnich.

GYMNICH DISCUSSION

Turkey

During the first session, EU Foreign Ministers discussed relations with Turkey, noting that channels of communication with Turkey had to remain open, as Turkey was a key regional player and strategic partner

for the EU. The Foreign Secretary highlighted the need for balanced dialogue. During the meeting with Turkey's Minister for EU Affairs (Qelik), Ministers discussed a range of interests shared by the EU and Turkey; and discussed the aftermath of the 15 July attempted coup.

Implementation of the Minsk agreements

The discussion focused on how the EU could support implementation of the Minsk agreements. The security situation in eastern Ukraine continued to present a mixed picture. The Foreign Secretary recalled the importance of an effective political process to achieve improved security (and vice versa), and welcomed the recent ceasefire and prisoner exchanges as helpful steps forward.

European Global Strategy

Ms. Mogherini set out a plan for implementation of the strategy and her aim to agree an action plan and conclusions at the October Foreign Affairs Council.

Counter-terrorism and preventing and countering radicalisation

Ministers welcomed the existing security and counter-terrorism co-operation between the European Union and the Western Balkan candidate countries and agreed that it should be further developed and intensified.

[HCWS141]

WALES

Boundary Commission for Wales: Reappointments

The Secretary of State for Wales (Alun Cairns): I should like to inform the House that I have made the following reappointments under Schedule 1 to the Parliamentary Constituencies Act 1986:

Mr Paul Loveluck CBE reappointed as a member of the Boundary Commission for Wales, effective from 4 October 2016 until 3 October 2020, and

Professor Robert McNabb, reappointed as a member of the Boundary Commission for Wales, effective from 4 October 2016 until 3 October 2020.

[HCWS140]

ORAL ANSWERS

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