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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES**

(HANSARD)

Thursday 26 January 2017

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The House met at half-past Nine o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

Exiting the European Union

The Secretary of State was asked—

Farming Sector

1. **David Rutley** (Macclesfield) (Con): What discussions he has had with the Secretary of State for Environment, Food and Rural Affairs on the priority that will be accorded to the farming sector during negotiations on the UK leaving the EU. [908389]

The Minister of State, Department for Exiting the European Union (Mr David Jones): We fully recognise the importance of the farming sector. In leaving the EU, we have the opportunity to take the British farming sector forward and to ensure that it thrives. As highlighted recently by my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs, we will no longer be bound by EU rules and will consequently be able to design an agricultural system that works for us.

David Rutley: Although Brexit may create some uncertainties in the short term, it will open up exciting new markets and new opportunities in trade for British farmers and for food and drink manufacturers across the country. What steps are the Government taking to help the sector to seize those opportunities?

Mr Jones: My hon. Friend is right. The food and drink sector is the largest manufacturing sector in the country, and there are huge opportunities to be seized. The Government have addressed that through the creation of the Department for International Trade, which is working closely with the Department for Environment, Food and Rural Affairs on a plan to boost our food and drink exports by almost £3 billion over five years.

Mary Creagh (Wakefield) (Lab): UK farmers face a triple jeopardy from Brexit, with the loss of common agricultural policy subsidies, potential new tariffs on currently tariff-free trade with the EU, and the prospect of trade deals with bigger countries such as the US flooding the UK with cheaper imports that have lower food safety and animal welfare standards. The Secretary of State said that he would do everything necessary to protect the City of London. Can the Minister give the same assurances to UK farmers and farming businesses, which make up 25% of UK businesses?

Mr Jones: The hon. Lady is right that the farming sector is extremely important. The Government have already put in place measures to ensure that the current level of EU funding is protected until 2020, the end of the multi-annual financial framework period. Furthermore, I think that she should have more confidence in the sector. British agriculture produces some of the finest products in the world, and I have no doubt that the arrangements that are put in place will ensure that they continue to thrive in the international market.

Mr Bernard Jenkin (Harwich and North Essex) (Con): May I ask my right hon. Friend how the Government will approach the regulations and directives that will be created and implemented between now and the date we leave the European Union? We probably have no intention of keeping those regulations or directives, such as the ban on glyphosate. The National Farmers Union is very clear that that measure will be very damaging to British agriculture. Will we have to implement it before we leave?

Mr Jones: The Government have made it absolutely clear that, until the date of our departure, we will continue to play a full part in the European Union, which does mean observing all the regulations that are implemented. The great repeal Bill will absorb the body of EU law into British law. Once we have left the European Union, we will be in a position to review all that legislation and take the decisions that are best for British agriculture.

Alan Brown (Kilmarnock and Loudoun) (SNP): At this moment in time, the UK Government are withholding nearly £200 million of convergence uplift money that is meant to go to Scottish farmers. Does the Minister agree that the Government should pass that on to Scottish farmers to ensure that they will not be left even more high and dry if there is a hard Tory Brexit?

Mr Jones: I do not recognise that description. The British Government are engaging extremely closely not only with the Scottish Government, but with the Scottish farming unions. I can assure the hon. Gentleman that, whatever deal we do, it will be in the interest of Scotland as much as the rest of the United Kingdom.

Alistair Burt (North East Bedfordshire) (Con): Some studies on the future of agricultural policy, such as a recent one by the Centre for Policy Studies, rather downplay the importance of food security. Will my right hon. Friend reassure the House that food security remains at the top of the Government's agenda? A shock to the system could completely destroy existing trading links and leave the country in a very vulnerable position.

Mr Jones: My right hon. Friend makes an extremely important point. British agricultural standards are among the highest in the world, and I assure him that the Government will do nothing to jeopardise the reputation that British farming enjoys.

Christina Rees (Neath) (Lab/Co-op): Almost 40% of EU funds are spent on the common agricultural policy, so it is clear that supporting farming is a central aim of the European Union. Will the Minister comment on the

schemes that the Government are considering as replacements for the CAP to reflect the importance of farming to the UK?

Mr Jones: The hon. Lady will know that the Government have already guaranteed the current level of CAP funding until 2020. I assure her that the Government will make sure that the interests of agriculture are at the very forefront of our calculations. British agriculture is a huge asset to this country, and we intend to protect it.

UK-EU Relationship

2. **Thangam Debbonaire** (Bristol West) (Lab): When he plans to publish the Government's plan for the UK's relationship with the EU after the UK has left the EU. [908390]

The Secretary of State for Exiting the European Union (Mr David Davis): I ask the House to forgive my voice. It is just wear and tear, not emotion.

The Prime Minister's speech set out a comprehensive plan that includes all our central negotiating objectives. She confirmed yesterday that we will publish the plan in a White Paper. It will answer key questions that have been asked on our approach to the single market, the customs union and the type of trading relationship we are seeking. It will be widely welcomed as a serious and ambitious vision of a new, positive and constructive partnership for Britain and the European Union that will be good for Britain and good for the rest of Europe.

Thangam Debbonaire: I thank the Secretary of State for that answer, but will he please explain to the aerospace industry, the health service, the universities and other major employers in my constituency, which account for thousands of jobs, how they should have confidence in this country's ability to negotiate beneficial trade deals when we have barely any specialist trade negotiators and we have had no experience of negotiating trade agreements for decades?

Mr Davis: It does not help the hon. Lady's own industries, which are very important, if she talks them down. Let me say to the Opposition that it is not only the Government who think this deal is eminently achievable. Just recently, a former EU Trade Commissioner said that the trade deal between the UK and EU can be done in a "very reasonable" period of time—[*Interruption.*] Let me get to the point. He said:

"I am reading everywhere that it takes five, six, seven... years to do a trade negotiation... Yes that's true—but it's not for technical reasons, it's because you can't get an agreement. Technically you could make an agreement within a very reasonable period of time because we know each other."

The point he was making is that there is not a technical constraint, and there are quite enough negotiators in Whitehall to do the job we are talking about.

Mr Peter Lilley (Hitchin and Harpenden) (Con): Will the White Paper highlight the words of article 50, which says that the Union must

"negotiate and conclude an agreement... taking account of the framework for its future relationship"

with the UK? It is therefore impossible to start negotiations unless one has an outline agreement on what that framework should be. Only two frameworks are possible—

a continuation of free trade, or a move to trading on most favoured nation terms. Will we press our partners to clarify that right at the beginning of the negotiations?

Mr Davis: We already have done. In my one meeting with Mr Barnier, he talked about a sequential approach, which does not seem practical to me. It really is not possible to reach an outcome on either of the negotiations without a clear idea of the trade aspect of the negotiations. My right hon. Friend's description is pretty accurate. I have said in terms that we intend all of this to be concluded within the two years.

Hilary Benn (Leeds Central) (Lab): The Government say they want nothing further to do with the European Court of Justice but, as the Secretary of State well knows, in any new free trade agreement with the 27 member states there will have to be a legal arbitration mechanism whose rulings we will be obliged to implement. If the European Court of Justice is not acceptable, what court would be?

Mr Davis: It would not necessarily be a court. The right hon. Gentleman is quite right that most international—[*Interruption.*] Listen to the answer. Most international trade agreements have an arbitration mechanism, and that mechanism is normally preceded by a mediation mechanism, which is used more often. In the case of the Canada arbitration mechanism, for example, three people—one from each side and one neutral—are appointed by agreement. It is a fall-back if agreement cannot be reached, and it is a simple arbitration mechanism. There is all the difference in the world between a simple arbitration mechanism and a Court that reaches into every nook and cranny of your society.

Anna Soubry (Broxtowe) (Con): I very much thank the Secretary of State for the part that I know he played in securing the White Paper, which has been welcomed across the House and is good news. Will he now tell us when it might be published and how much time this place will have to debate it?

Mr Davis: Of course, the decision to publish the White Paper was a decision solely of the Prime Minister, but it is nice to be able to agree with myself from six months ago. On the timing, the Prime Minister said yesterday that it would be published in due course. We will be as expeditious as we can, but it takes time. My right hon. Friend has been in government, and she knows that there is a procedure for these things and it takes time, but we will not waste time in producing it for the House.

Stephen Gethins (North East Fife) (SNP): I hope that the Secretary of State gets his voice back because he will need it over the next couple of weeks. Does he think that we should be able to see the White Paper before we consider legislation?

Mr Davis: With respect to the hon. Gentleman, those are slightly separate issues. There will be lots of legislation. I assume—I will look at him to see whether he nods—that he is referring to the article 50 legislation.

Stephen Gethins *indicated assent.*

Mr Davis: He is. The article 50 legislation is about carrying out the will of the British people—the decision was taken on 23 June. There will be much more legislation after that, which will relate to policy and the maintenance of European law. There will be the great repeal Bill, but also other new primary legislation arising from all that. The White Paper will certainly be before all that and, as I said, I will be as expeditious as possible.

Stephen Gethins: Mr Speaker, you will be aware of how helpful the House of Commons website is. It says:

“White Papers are policy documents produced by the Government that set out their proposals for future legislation.”

Given that article 50 is a significant piece of legislation and this House deserves to scrutinise it, will the Secretary of State commit to publishing the White Paper before the Committee stage—I will give him next week, but before the Committee stage?

Mr Davis: As I said, we will be as expeditious as we can. However, I reiterate that article 50 legislation is about putting in place only the beginning of the procedure that was decided by the British people last year. That is not really conditional on the other policy aspects of this but, as I said, I will be as expeditious as I can.

Mr Steve Baker (Wycombe) (Con): In welcoming this decision, may I ask my right hon. Friend which, if any Select Committee Chairmen have expressed an interest in having the White Paper published with the intention of scrutinising it?

Mr Davis: I am pretty sure that the Brexit Committee—I am looking at the Chairman, but he is not paying attention—expressed an interest, but I cannot think of any others.

Jenny Chapman (Darlington) (Lab): I am concerned by some of the responses of the Secretary of State, who seemed to be bursting with enthusiasm for the White Paper. Now it seems that we may not get it as soon as we need it. Given the level of interest in the legislation and the amendments that will be tabled, we need the White Paper before the Committee stage of the Bill. Will he make sure that we get it?

Mr Davis: How do you deal with an Opposition that will not take yes for an answer? I have said that we will deal with the White Paper and produce it as expeditiously—as quickly—as possible. What can you do faster than that?

Jenny Chapman: Well, the Secretary of State can work as fast as he can I suppose, but we need the White Paper before the Committee stage. When we get it, will it be a cut-and-paste of the Prime Minister’s speech, or will we have assessments of the financial impact of different options on this country?

Mr Davis: As I said at the beginning, the Prime Minister’s speech—one of the clearest expositions of national policy that I have heard in many years—answered all the questions that the Opposition and the Brexit Committee raised other than those that would actively undermine our negotiating position. The Opposition, of course, tabled a motion that said, “We will not

undermine our negotiating position.” It is right that they expect us to obey the rules of the House, but they should do so, too.

Mr Speaker: Colleagues, may I point out that there are a lot of questions on the Order Paper that I am keen to reach, but exchanges at the moment are quite ponderous? We need to speed up a bit.

Support for Agriculture

4. **Sir Henry Bellingham** (North West Norfolk) (Con): What recent discussions he has had with farmers’ representatives on support for agriculture after the UK leaves the EU. [908394]

18. **Chris Elmore** (Ogmore) (Lab/Co-op): What recent discussions he has had with Cabinet colleagues, as part of the preparations for the negotiations on the UK leaving the EU, on support for farmers. [908411]

The Minister of State, Department for Exiting the European Union (Mr David Jones): We have an unprecedented opportunity to redesign our policies to ensure that our agricultural industry is competitive, productive and profitable and that our environment is protected for future generations. I regularly meet farmers’ representatives from all over the United Kingdom as well as my ministerial colleagues.

Sir Henry Bellingham: Does the Minister agree that, post-Brexit, there are two key priorities for agriculture? First, we need to devise a system of support for the rural economy that does not contain the current levels of EU bureaucracy, which is so expensive. If we achieve that, does he agree that we could then maintain the current levels of support for the rural economy?

Mr Jones: My hon. Friend makes an important point. Once we have left the European Union, we will be able to redesign our policies to suit the needs of British agriculture. That should lead to a significant reduction in red tape and, as he rightly says, a significant reduction in costs.

Chris Elmore: In the Prime Minister’s speech last week, she failed to mention anything about the agricultural sector. When the Minister publishes the White Paper, will he guarantee that the farming, fisheries and agricultural sector is a key element of it, as the industry really needs assurances of support once we have left the EU?

Mr Jones: I can assure the hon. Gentleman that the agricultural industry is indeed at the forefront of our calculations. As I said earlier, we consult regularly with the farming unions from all over the UK, including Wales, and indeed I will meet the Farmers Union of Wales on Saturday. Any suggestion that we are not listening to the farming industry is unfounded.

Mrs Theresa Villiers (Chipping Barnet) (Con): Will the Minister ensure that the new system of farm support rewards the highest standards of animal welfare?

Mr Jones: My right hon. Friend also makes an important point. The United Kingdom is noted throughout the world for its high standards of animal welfare and I have no doubt that the Government will wish to preserve that reputation in the forthcoming legislation.

Nick Smith (Blaenau Gwent) (Lab): Farmers are worried that crops will rot in the ground without a seasonal workers scheme. Will that be included in the promised White Paper?

Mr Jones: The hon. Gentleman makes another important point. The farming industry is reliant, to a certain extent, on seasonal agricultural workers. As he knows, a seasonal agricultural workers scheme existed until fairly recently, and that is one of the models that the Government are considering.

Businesses: UK and EU

5. **Richard Graham** (Gloucester) (Con): What assessment he has made of the potential effect of the UK leaving the EU on businesses in (a) the UK and (b) the EU. [908395]

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): Our Department, working with officials across government, continues to undertake a wide range of analysis, covering the entirety of the UK economy and our trading relationships with the EU. We are looking at more than 50 sectors, as well as cross-cutting regulatory issues. We want to ensure that British businesses have the maximum freedom to trade with and operate within European markets, and to let European businesses do the same in Britain. We believe a strong partnership and a good deal on market access are in the interests of both the UK and the EU.

Richard Graham: While we will bring in more immigration controls, the ability for key sectors such as aerospace, health and financial services to bring in or relocate skills and talent from different countries is important to their success and our industrial and export strategy. What reassurances can my hon. Friend give such businesses?

Mr Walker: I know that my hon. Friend is a champion for the aerospace businesses along the M5 corridor and helps them in his role as a global trade envoy for our Prime Minister. As she said, we want the UK

“to be a secure, prosperous and tolerant country—a magnet for international talent and home to the pioneers and innovators who will shape the world ahead.”

We will continue to attract the brightest and the best to work and study in Britain. Indeed, openness to international talent must remain one of this country’s most distinctive assets, but that has to be managed properly so that our immigration system serves the national interest.

14. [908404] **Mr Jim Cunningham** (Coventry South) (Lab): What will the Minister do to ensure that research leaders from EU countries can continue to take positions at UK research institutions after we leave the EU?

Mr Walker: The hon. Gentleman raises an important question and I have had a number of valuable meetings with the Minister for Universities, Science, Research and Innovation and the Higher Education Funding Council for England to address exactly that issue. We recognise the concerns of the sector and that we need to continue to focus on having an immigration system that attracts the brightest and the best.

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con): I urge my hon. Friend to address the issue of incoming individuals and the controls as soon as possible because one of the big issues—which my hon. Friend the Member for Gloucester (Richard Graham) has already touched on—is the concern about access to global talent. We need to reassure the City and others that the high added value, low volume numbers that come in are welcome: it is the low skilled who are using British benefits who are not very welcome.

Mr Walker: My right hon. Friend is right about the importance of attracting global talent for key industries, such as our financial services sector and the FinTech industry, with which I met earlier this week.

Emma Reynolds (Wolverhampton North East) (Lab): Manufacturing companies in the aerospace and automotive sectors are worried about potential delays at the border and customs duties when we leave the EU. The Secretary of State, and the Prime Minister in her speech, suggested that associate membership of the customs union might be possible. Will the Minister confirm that, unless that associate membership covers most sectors of our economy, it will fall foul of World Trade Organisation rules?

Mr Walker: The Prime Minister has talked about aiming for a frictionless system in which we can agree not to have tariffs or barriers, which is something we should all be aiming for in a new partnership between the UK and the EU.

Sir Oliver Letwin (West Dorset) (Con): In the light of the Prime Minister’s clear statement and the observations of my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith), does the Minister believe that it might be sensible to set out, at an early date, the rules that will obtain for attracting high-quality and highly skilled talent into the UK?

Mr Walker: In the light of the Prime Minister’s speech and her ambition to create stability and certainty through this process, the sooner we can come forward with those proposals, the better.

Matthew Pennycook (Greenwich and Woolwich) (Lab): Far from being a clear exposition of policy, the Prime Minister’s appeal for a hybrid customs arrangement with Europe sadly raised far more questions than it answered. Will the forthcoming White Paper expand on her remarks and provide businesses across the country with the clarity that they need about how the alternative arrangements might affect them?

Mr Walker: The Prime Minister’s statement has given welcome clarity to businesses and was welcomed by many business groups, but of course we expect the White Paper to set out more detail. We must also, however, protect our negotiating interests throughout the process, as the House has repeatedly instructed us to do.

Government Negotiations

6. **Michael Gove** (Surrey Heath) (Con): What steps his Department is taking to ensure a flexible approach in the Government’s negotiations on the UK leaving the EU. [908396]

The Secretary of State for Exiting the European Union (Mr David Davis): Flexibility is important in such complex negotiations, which will require imagination on both sides, and not everybody will be able to know everything at every stage. That is why we have to set out our strategic aim for a new partnership with the EU, encompassing a bold and ambitious trading relationship, and it is also why we will not get drawn into setting out every detail of our negotiating strategy or laying out red lines. Doing so would tie the Government's hands and make it harder for us to achieve the right deal for the UK, which I presume is what everybody in the House wants.

Michael Gove: My right hon. Friend the Member for Hitchin and Harpenden (Mr Lilley) reminded the House that article 50 requires the EU to take account of any future relationship that an independent Britain might have with it as we negotiate the declaration of our independence. Does my right hon. Friend the Secretary of State agree that as we negotiate our independence, we should also show generosity to the EU27 by continuing to offer them access to our market on a free trade basis?

Mr Davis: My right hon. Friend is exactly right; we have made it clear that that is our intention. It is one of the reasons, I believe, why the Prime Minister's speech has been received with such applause around the rest of Europe. I will quote, if I can find it—

Mr Speaker: Briefly.

Mr Davis: In that case I will not quote it, Mr Speaker. The quote is rather long, so I will leave it. I simply say that I agree with my right hon. Friend.

Mr Speaker: Splendid.

Helen Goodman (Bishop Auckland) (Lab): The Secretary of State has repeatedly said that he can maintain flexibility and give the House a say through the great repeal Bill, but that only covers things in legislation. When will the House be able to consider the value of the EU agencies and the cost of setting up new UK ones?

Mr Davis: That is precisely the sort of thing that might well come up in legislation. In dealing with these EU agencies, we will seek the best outcome in each case for the relevant sector. When doing so, we will of course talk to the House about the costs and benefits of various options, but we will do that when it is appropriate for the House to know, not while we are in the middle of the detailed negotiations.

Charlie Elphicke (Dover) (Con): In seeking a clean Brexit, we will want to be as flexible as possible in negotiating the continuation of our membership of a free trade area, but does the Secretary of State agree that such an agreement might not be forthcoming and that therefore we must be prepared for a situation in which some form of duties might be necessary? Does he also agree that it is perfectly possible in the modern era, with digital technology, to have the border as a part of the journey, rather than a hard border of old?

Mr Davis: Given the constituency that my hon. Friend represents, he will know that better than most people. I understand exactly what he is getting at; he is absolutely right.

11. [908401] **Chris Bryant** (Rhondda) (Lab): There will be a temptation for the Government to think that this is just about Government-to-Government conversations, but would it not be useful for them to look at this as a Parliament-to-Parliament negotiation as well, so that we might all start lobbying together to secure the best possible deal for this country?

Michael Fabricant (Lichfield) (Con): Just say no.

Mr Davis: I am not going to say definitely no to the hon. Member for Rhondda (Chris Bryant); on the contrary. He knows my prejudices—I think that is probably the right word—but it is for Parliament to decide what Parliament wants to do. The essential responsibility for the negotiation is quite properly the Government's, and the Opposition—indeed, everyone in the House—will hold us to account for that. Nevertheless, the hon. Gentleman is right that there is a role for Parliaments to talk to other Parliaments about the joint interests of their constituents, and in that respect he has my support.

Single Market Access

7. **Callum McCaig** (Aberdeen South) (SNP): What his priorities are during negotiations on the UK leaving the EU on access to the EU single market. [908397]

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): As the Prime Minister said, an important part of the new strategic partnership that we seek with the European Union will be the pursuit of the greatest possible access to the single market on a fully reciprocal basis. Let there be no doubt that that will be a high priority in the negotiations. However, we believe that it is in the interests of both sides to secure it, and it is of course intended to benefit the people of Scotland. We want to get the right deal for the whole of the UK, including Scotland.

Callum McCaig: Exports to Norway from Aberdeen alone amounted to more than £750 million in 2015, and they are a vital part of anchoring the world-class supply chain in oil and gas. Will the Minister ensure that the oil and gas industry will be taken into account in this process, and that access will not be lost as a result of hard Tory Brexit?

Mr Walker: The hon. Gentleman is right to raise the importance of the industry to his constituency, and indeed to the entire United Kingdom. My right hon. Friend the Secretary of State has held an energy roundtable with industry leaders who, of course, included oil and gas industry representatives. I look forward to visiting parts of the industry in Scotland in the coming weeks.

Mr Jacob Rees-Mogg (North East Somerset) (Con): Does my hon. Friend agree that selling into the single market is far preferable to being a member of it, because it is a highly regulatory, bureaucratic mechanism on which 87% of British businesses—the British economy—are not reliant?

Mr Walker: As ever, my hon. Friend makes his case very strongly. I believe that the best possible access to the single market for UK businesses, and to the UK market for European businesses, will be in all our interests.

Derek Twigg (Halton) (Lab): I recently met representatives of a very important multinational manufacturing company that employs people in my constituency. They told me that they did not believe that the Government understood the concerns of industry about Brexit, and particularly about the customs union. Why does the Minister think that is?

Mr Walker: The Government are engaging closely with businesses and industries throughout the whole country to ensure that we have taken on board their concerns, and to ensure that we know what opportunities they expect to gain from this process. Many of the business representatives whom I have been meeting are excited about the opportunities for the UK to go out and make trade deals, and trade around the world.

Sir Desmond Swayne (New Forest West) (Con): If my hon. Friend has not seen Professor Patrick Minford's analysis of the liberating effect of escaping from the common external tariffs, I, as a former economics beak, am happy to give him 45 minutes on the subject.

Mr Walker: I look forward to the lesson.

Mr Speaker: What a fortunate fellow the Minister is!

Paul Blomfield (Sheffield Central) (Lab): The Secretary of State provided some clarity on his priorities for access to the single market in response to questions on Tuesday's statement. He told the right hon. Member for Broxtowe (Anna Soubry) that he was seeking

"a comprehensive free trade agreement and a comprehensive customs agreement that will deliver the exact same benefits as we have". —[*Official Report*, 24 January 2017; Vol. 620, c. 169.]

He meant the "exact same benefits" as those of being inside the single market. Will the Minister confirm that that is his Department's negotiating position so that we can measure the Department's success against it?

Mr Walker: It is absolutely our position to secure the best possible market access, and, as we have repeatedly said, the ability for British businesses to trade with and within the single market.

Manufacturing Industry

8. **Toby Perkins** (Chesterfield) (Lab): What assessment he has made of the potential effect on the manufacturing industry of the UK leaving the EU single market.
[908398]

The Minister of State, Department for Exiting the European Union (Mr David Jones): The Department has been undertaking a thorough analysis of more than 50 business sectors. We have been speaking directly to manufacturers in, for instance, the automotive and chemical sectors in order to understand what they need from us so that they can continue to thrive after we have left the European Union.

Toby Perkins: I am glad to hear that that work is being done. Has the Minister established how many British manufacturing factories are in competition internally with other factories in France and Germany? Does he realise how catastrophic it would be for our manufacturing industry if there were tariffs on products made in the UK that factories in France and Germany did not have?

Mr Jones: The hon. Gentleman is entirely right. Manufacturing industries are frequently highly integrated across the European Union, and the Prime Minister has made it clear that she seeks customs arrangements that will cater for that. We must bear in mind, however, that when we have left the European Union, the United Kingdom will be the biggest export market for the continuing EU, and it is therefore in our mutual interest to have proper customs arrangements.

Mr Philip Hollobone (Kettering) (Con): Can my right hon. Friend confirm to manufacturers in Kettering that their prospects for future exports are far brighter outside the European Union because while we are a member, we are forbidden from entering international trade agreements of our own?

Mr Jones: My hon. Friend is right to point that out. Once we have left the European Union, we will be in a position to strike free trade agreements around the world, which is precisely what the Department for International Trade is doing right now.

Jim Shannon (Strangford) (DUP): The agri-food manufacturing sector in Northern Ireland accounts for some 70,000 jobs and 3.25% of Northern Ireland's gross value added, which equates to £1.1 billion at basic prices. Will the Minister outline what protection he intends to provide for this massive employer, and what support and advice has been offered in the interim?

Mr Jones: The hon. Gentleman is right to point out the importance of the agri-food sector not only in Northern Ireland, but throughout the United Kingdom. We have engaged very closely with bodies such as the Food and Drink Federation. There are specific circumstances in Northern Ireland, and he will know that the Government are committed to ensuring that there is as little impact as possible on the sector in Northern Ireland.

Michael Fabricant (Lichfield) (Con): Is my right hon. Friend aware that both Nissan and Jaguar Land Rover are planning for how their export market might well change if we have free trade agreements with India, China and the United States? Does he agree that they are right to say that this is an opportunity for manufacturing, not a disadvantage?

Mr Jones: My hon. Friend is entirely right. Rather than talking down British manufacturing industry, we have a duty to point out the benefits that will flow from Brexit. There is a world out there and we should be seizing the opportunities.

Hannah Bardell (Livingston) (SNP): My constituency was built on manufacturing and many Livingston companies rely on EU workers. What can the Minister

do to assure me, the companies in my constituency and those workers that they will be able to stay and work in Livingston and Scotland?

Mr Jones: The issue of EU residents in the UK—and, similarly, the issue of British residents in the continuing European Union—is one that we believe should be settled very early in the negotiations. I can tell the hon. Lady that I have already discussed this issue with ministerial counterparts, and they agree that it is a priority.

Higher Education Students and Staff

9. **Neil Carmichael** (Stroud) (Con): What discussions he has had with the Secretary of State for Education on the implications of the UK leaving the EU for the free movement of higher education students and staff. [908399]

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): My Department is working closely with the Department for Education and engaging extensively with the higher education sector to understand its interests. A global Britain must also be a country that looks to the future. That means being one of the best places in the world for science and innovation. The UK will always welcome those with the skills and expertise to make our nation better still.

Neil Carmichael: The universities sector is one of the largest contributors to our economy, so it needs to think very carefully about its post-Brexit position. Is there an appropriate point of contact for that sector, with significant staffing, so that it can feel confident that its issues will be dealt with?

Mr Walker: Absolutely. Last week, my hon. Friend the Minister for Universities, Science, Research and Innovation and I joined with the universities sector to engage on precisely this issue. We were both delighted by the prominence that universities and science played in the Prime Minister's speech.

Nick Thomas-Symonds (Torfaen) (Lab): I taught for many years in the universities sector before entering this House and saw at first hand the benefits that overseas students bring to our universities financially, culturally and socially. What assurances can the Minister give that overseas students will continue to come in the same numbers and more following Brexit?

Mr Walker: I have been absolutely clear that we should continue to welcome the brightest and the best to the UK. The UK is, and will continue to be, a great place to study. UK universities are home to world-class teaching and innovative research, which are carried out in some of the most intellectually and culturally diverse academic environments in the world. We have four universities in the top 10 and 18 in the top 100. I will be visiting the highest ranked university in the world tomorrow.

Stephen Crabb (Preseli Pembrokeshire) (Con): Given that migration and visa issues will be close to the heart of negotiations for any future trade deals with India, America, New Zealand and Australia, as well as the EU, can my hon. Friend give an assurance that a new British immigration policy will be sufficiently well developed and can command public support in time for those negotiations to begin in a meaningful way?

Mr Walker: I absolutely agree with my right hon. Friend. This is a challenge for the whole of Government. We need to work across Whitehall with Departments such as the Home Office, the Treasury and the Department for Business, Energy and Industrial Strategy to come up with the best possible immigration system for a global Britain.

Danny Kinahan (South Antrim) (UUP): Does the Minister have any plans to seek an accommodation with the Republic of Ireland to achieve reciprocal processes for staff and students who move backwards and forwards across the border?

Mr Walker: We have made clear—not only during departmental questions, but in the Prime Minister's speech—our absolute commitment to the common travel area with Ireland. It is vital that we continue to engage with Ireland on cross-border issues, including students and universities, and I am delighted that the Prime Minister will be meeting the Taoiseach next week.

EU Nationals: Residency Rights

10. **Stuart Blair Donaldson** (West Aberdeenshire and Kincardine) (SNP): If the Government will make it their policy to enable the Scottish Government to provide residency rights for EU nationals living in Scotland after the UK has left the EU. [908400]

The Secretary of State for Exiting the European Union (Mr David Davis): We will make the status of EU nationals in the UK, and of UK nationals in the EU, a priority for the negotiations. I think that we can all agree that this is the right and fair thing to do. The Prime Minister has already set out that we tried to achieve an early agreement on this issue with our EU partners. We will continue to do so. We also want to ensure that our immigration framework operates in the best interests of all parts of the United Kingdom, and we are working closely with the devolved Administrations to achieve that. For example, the Joint Ministerial Committee, which I chair, carefully considered the Scottish Government's paper "Scotland's Place in Europe" last week. We have made it clear that we intend to protect the existing rights enjoyed by UK and Irish nationals when in the other state, and to maintain existing border arrangements provided by the common travel area. None the less, immigration is a reserved matter.

Stuart Blair Donaldson: If the Government are not going to guarantee residency rights for EU nationals, may I ask what assessment have they made of the impact on the economy and public services of an exodus of EU nationals and the return of thousands of retired British immigrants?

Mr Davis: We do not intend to pursue a policy that will lead to that. There is a real issue at the heart of this, but the process is not helped by the slightly holier than thou stance of the Scottish National party. Perhaps the House should be reminded of the words of Nicola Sturgeon during the independence referendum in 2014. She said:

"We have set down a robust and common sense position. There are 160,000 EU nationals from other states living in Scotland, including some in the Commonwealth Games city of Glasgow. If Scotland was outside Europe"—

after independence—

"they would lose the right to stay here."

I will deal with the issue properly.

Mr Christopher Chope (Christchurch) (Con): Can my right hon. Friend explain why so many EU nationals who start off in Scotland end up in England?

Mr Davis: No.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): The Prime Minister will today meet an American President who champions torture and is proud to discriminate against Muslims. Does the Secretary of State agree that it is therefore even more important that this Government should send the strong moral message that goods and chattels are bargaining chips, but human beings are not? Will he confirm the residency rights of EU nationals?

Mr Davis: The hon. Lady knows my stance on torture down the years—better than most, I suspect. The British Government's stance on torture is very plain: we do not condone it and we do not agree with it in any circumstances whatever.

Mr Owen Paterson (North Shropshire) (Con): At a conference on Brexit in Berlin at the weekend, the uncertainty facing EU nationals who are resident in the UK was made very clear. The Prime Minister's comments were immensely welcome. Would it be possible for this issue to be resolved as rapidly as possible in the negotiations?

Mr Davis: The Prime Minister has made it plain that she has already tried to get agreement among all the member states. Most of them agree, but one or two of them do not, and we have to keep pressing, as we will, to resolve this as quickly as possible. I hope that EU nationals who are currently here will take heart from what we are saying. Our intention is to give them the guarantees that will also apply to British citizens abroad.

EU Clinical Trials Directives

12. **Mr Douglas Carswell** (Clacton) (UKIP): If he will discuss with Cabinet colleagues the future of the provisions of the EU clinical trials directives after the UK leaves the EU. [908402]

The Secretary of State for Exiting the European Union (Mr David Davis): The Prime Minister's speech set out the negotiating priority to ensure that the UK is one of the best places in the world for science and innovation. As part of the negotiations, the Government will discuss with EU member states how best to continue co-operation in the field of clinical trials. In respect of the hon. Gentleman's question, the UK successfully applied sustained pressure to reform the current directive in the best interests of patients and business. We will follow the EU rules until the point of exit, and those new rules will come into effect shortly. The great repeal Bill will convert EU law as it applies, including EU regulations, into domestic law on exit. If needs be, we can reform the regulations after that.

Mr Carswell: Given the harmful effect of EU directives on clinical trials and science in the UK, when the time comes to write our own rules will the Secretary of State undertake to listen to some of the clinical practitioners and scientists, not just the big corporate vested interests whose business model depends on having an army of lobbyists in Brussels?

Mr Davis: The short answer is absolutely. The hon. Gentleman is right that the original clinical trials directive was a very poorly drafted piece of EU regulation that has certainly increased the burden of undertaking such trials and, if I remember correctly from my own constituency, particularly small trials. [Interruption.] Yes, and those are exactly the sort of people he is talking about. Their views will be taken very seriously in the new regime after leaving.

Mr David Nuttall (Bury North) (Con): Since the referendum both the US biotech company Alnylam and GlaxoSmithKline have announced that they are making very substantial investments in the UK. Does my right hon. Friend agree that this demonstrates that, even after we leave the European Union, we will still be a very competitive place for biotech companies to do business?

Mr Davis: My hon. Friend is exactly right. I recently went to see some of those biotech companies in Cambridge, and one of the problems with people who talk the country down and talk these industries down is that they underestimate the extent to which pharmaceuticals, life sciences, finance and software are fantastically powerful British industries in which we already have a huge critical mass of talent, which will continue into the future.

EU Nationals in the UK

13. **Sir Simon Burns** (Chelmsford) (Con): What priority he plans to accord to the future status of EU nationals in the UK during negotiations on the UK leaving the EU. [908403]

The Secretary of State for Exiting the European Union (Mr David Davis): The Prime Minister was clear in her speech that she wants to guarantee the status of EU citizens who are already in Britain and our nationals in the EU as early as she can. As I have said, she has already tried to get mutual agreement, and we will continue to try to get it.

Sir Simon Burns: Does my right hon. Friend agree that that answer is extremely welcome because there is genuine and widespread concern on this issue? What problems is he encountering with a few member states that are stopping a reciprocal agreement being arrived at now?

Mr Davis: Truth be told, I am not 100% sure of the actual problems. In the run-in to these negotiations, the Commission and some member states have taken a very stern stance on no negotiation before notification, and they may think that such an agreement is trying to pre-empt that. That is not the intention; the intention is to act in the interests of European citizens, which after all should be the principal aim of the European Union.

Wes Streeting (Ilford North) (Lab): Those problems notwithstanding, there are many talented people from the European Union who have made an enormous contribution to the economy and the cultural life of our country. Surely the right hon. Gentleman agrees that he does not need an agreement with other EU member states. There is going to be an agreement, and he would

get a lot of good will from the public and from our partners across the European Union if he unilaterally made that commitment today.

Mr Davis: I thank the hon. Gentleman for the tone in which he put his question, but we have a dual responsibility. We have a responsibility within our own country to maintain a high moral stand in what we do—I see this as a moral question—and, on the other hand, we also have a responsibility to our citizens abroad, and it is a legal responsibility as well as a moral one. We will get this resolved, and I give him an undertaking that we will resolve it as fast as we possibly can.

Trade Dispute Mechanisms

15. **Vicky Foxcroft** (Lewisham, Deptford) (Lab): What assessment he has made, as part of his Department's plans for negotiations on the UK leaving the EU, of the potential merits of different forms of trade dispute mechanisms with the EU. [908406]

The Secretary of State for Exiting the European Union (Mr David Davis): We recognise that the large majority of trade agreements involve some form of dispute resolution or enforcement mechanism, and there are a range of models for dispute resolution mechanisms in international trade agreements. We have been clear that we will bring an end to the jurisdiction of the European Court of Justice in the United Kingdom. The dispute resolution mechanisms adopted as part of our future trading relationship with the EU and other international parties will be a matter for negotiation.

Vicky Foxcroft: The Prime Minister has said that she wants a comprehensive free trade agreement with the EU and that, in future, our laws will be interpreted by British judges in British courts, but every comprehensive free trade agreement has some sort of independent trade dispute resolution mechanism. Does the Secretary of State agree that this sort of inconsistency needs to be ironed out by rigorous parliamentary scrutiny of the Prime Minister's plan?

Mr Davis: It is not an inconsistency but a lack of understanding on the part of the Opposition. As I have said, there are a range of models and a large number of international trade agreements with arbitration mechanisms, but they are just that. They are agreed arbitration mechanisms; they are not mechanisms that bring the influence of the European Court into all parts of British society—that is what is going to be resolved by leaving the European Union.

Security Policy

16. **Craig Williams** (Cardiff North) (Con): What discussions he has had with Cabinet colleagues on ensuring future co-operation with the EU on security policy after the UK has left the EU. [908408]

The Minister of State, Department for Exiting the European Union (Mr David Jones): Britain has played a key role in protecting Europe's security, and the Prime Minister has been clear that we will continue to co-operate with our European partners on foreign and defence policy as we leave the European Union.

Craig Williams: As we are a global player in counter-terrorism and law enforcement, does my right hon. Friend agree that both we and our EU partners have much to benefit from a co-operation agreement?

Mr Jones: I entirely agree with my hon. Friend. I discussed the issue with several of my European counterparts earlier this week. They fully understand the intelligence strength that Britain brings to the table, and they understand the value that we will be able to bring to the table after we leave the EU.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Does the Minister understand that parliamentarians across Europe are deeply worried about the knock-on effect of our leaving the EU on NATO's stability and future? That is the truth. Forget about what is happening in the United States with the new President; will the Minister assure the House that this country's commitment to NATO will be redoubled, not diminished?

Mr Jones: We are absolutely committed to NATO, and I assure the House that that commitment will continue after Brexit.

Consulting Parliament

17. **William Wragg** (Hazel Grove) (Con): What the Government's policy is on consulting Parliament on the final agreement on the UK leaving the EU. [908410]

The Secretary of State for Exiting the European Union (Mr David Davis): As the Prime Minister said, we will put the final deals agreed between the UK and the EU to a vote in both Houses of Parliament. We have always said that we will observe the constitutional and legal obligations that apply to the final deal. As I have said many times, we will keep the House informed throughout the process.

William Wragg: Will my right hon. Friend confirm that both Houses of Parliament will have several opportunities to vote on a wide range of legislation determining substantial policy decisions as we exit the EU?

Mr Davis: My hon. Friend is absolutely right. The article 50 Bill will be introduced imminently. A great repeal Bill is to be introduced in the next Session—an important piece of legislation that will ensure that all EU law is converted into UK law, including on issues such as workers' rights and environmental regulations, which I would have thought would matter to the Opposition. There will be subsequent legislation on those and other issues. But that is just the beginning. Exiting the European Union will give this Parliament control of its own laws again. Decisions on policy will be taken here, not in the European Union, and we will be back to being a free country again.

Topical Questions

Mr Speaker: I call Brendan O'Hara. Where is the chappie? Extraordinary fellow. Tasmina Ahmed-Sheikh.

T2. [908379] **Ms Tasmina Ahmed-Sheikh** (Ochil and South Perthshire) (SNP): If he will make a statement on his departmental responsibilities.

The Secretary of State for Exiting the European Union (Mr David Davis): The Government will shortly introduce a straightforward Bill to enable us to trigger the EU exit mechanism. The question is not about whether we should leave—that decision was taken on 23 June—but about respecting the referendum result and doing what the majority of people in the country want: to get on with the job of making a success of our new position in the world. The Prime Minister has been clear about what she seeks to achieve and has set out a bold, ambitious plan to build a global Britain that the whole UK can get behind.

Ms Ahmed-Sheikh: In the Prime Minister's speech at Lancaster House on 17 January, she promised to

“put the preservation of our precious Union at the heart of everything we do.”

Given that we are told that this is a Union of equals, what formal role will be given to the devolved Administrations when the UK negotiates its new relationship with the EU?

Mr Davis: The formal role is already in place. We have a Joint Ministerial Committee at which the Scottish Government is represented, and representatives from the Northern Ireland Executive and the Welsh Government also attend. We have had three meetings so far and have another meeting on Monday in Cardiff and another in early February. We are taking formally the papers submitted by the Scottish and Welsh Governments, and we will take them on board. The point that we have made throughout the process is that the negotiation is sophisticated and complex and will be difficult. It must be done under a single banner, but it will be done in a way that reflects and protects the interests of all parts of the United Kingdom.

T5. [908384] **Chris Davies** (Brecon and Radnorshire) (Con): With the UK being a net importer of agricultural goods from the EU and the EU being the UK's biggest agricultural market, what assurances can my right hon. Friend give to farmers that a key part of our negotiations will involve removing agricultural tariffs on both the UK and EU sides, which is in both our interests?

The Minister of State, Department for Exiting the European Union (Mr David Jones): My hon. Friend is entirely right that there is significant two-way trade in agricultural products, and in food and drink products. I would imagine that it is just as much in the interests of the continuing EU as it is in the interests of the UK that sensible arrangements continue.

Keir Starmer (Holborn and St Pancras) (Lab): Now that we have a commitment to a White Paper, the role of Parliament in the article 50 process needs to be determined, which is why Labour will seek to table an amendment to the proposed article 50 Bill to require the Secretary of State to lay before the House periodic reports, at intervals of no less than two months, on the progress of the negotiations under article 50. Will the Secretary of State commit now to the principle of periodic reports? *[Interruption.]*

Mr Davis: From behind me I hear, “Like he's not going to do that.” The hon. and learned Gentleman says two months. Since September, over five months,

I have made five statements in front of this House, participated in 10 debates, and appeared in front of a number of Select Committees. That process will continue. I suspect that two months will be a rather unambitious aim.

Keir Starmer: The role of Parliament at the end of the exercise will also be important. The Prime Minister has said that MPs will have a vote on the final agreement. Will the Secretary of State today state categorically that MPs in this House will have no less involvement in the process and no less a say over the final article 50 agreement than MEPs in the European Parliament?

Mr Davis: The role of the MEPs will be somewhat limited and peripheral, in many respects. Mr Verhofstadt will be allowed at the treaty negotiations, but I do not think he will be making the decisions.

T7. [908386] **Jeremy Lefroy** (Stafford) (Con): British citizens in the EU and EU citizens in the United Kingdom make valuable contributions to the countries they live in. When some of them gave evidence to the Exiting the European Union Committee last week, they expressed great concern about three particular areas: pensions, health and the rights of children. Has the Minister or his colleagues been working on those issues with their counterparts across the European Union?

Mr David Jones: My hon. Friend makes an extremely important point. The interests of British residents in the continuing European Union are at the top of our agenda. In fact, only on Monday I had a discussion with representatives of British residents in Malta. He can be assured that we will continue to reflect the interests of British residents as the EU negotiations commence.

T3. [908380] **Sarah Olney** (Richmond Park) (LD): Will the Government publish an impact assessment on the effect of leaving the single market on jobs and, conversely, the effect of the resulting skills shortage on key industries and the NHS?

Mr Jones: These are certainly important matters and we are addressing them, but the hon. Lady will understand that we will not be publishing impact assessments that might be useful to those with whom we will be negotiating.

Martin Vickers (Cleethorpes) (Con): The seafood processing sector is vital to the local economy in the Cleethorpes constituency. Will the Minister assure me that its interests will be at the forefront of considerations during the Brexit negotiations? Will he meet business leaders from the sector to pass on his assurances?

Mr Jones: My hon. Friend is entirely right that this is an important sector of the economy. Indeed, it may well be that I have already met those representatives, as we have been having extensive engagement with the agri-food industry.

T4. [908383] **Luciana Berger** (Liverpool, Wavertree) (Lab/Co-op): This week, the Health Secretary told us that Brexit would mean Britain leaving the European Medicines Agency. This move is likely to send Britain to the back of the queue for innovative new drugs, make

regulation more complex and threaten jobs in the UK's thriving pharmaceutical sector. Will the Secretary of State for Exiting the European Union tell us why his Government have so readily given up our membership of this vital body? Will he explain the measures he will introduce to ensure that people across Britain will enjoy the same access to medicines as our European neighbours?

Mr David Davis: That is all very well, but the complete premise of the question is wrong. That is not what the Health Secretary said; he was misreported and misinterpreted. What I will say to the hon. Lady is this: what we will be doing is, first, putting the clinical safety of the British people at the front of the priority list, and then looking after the interests of British industry, particularly biosystems and life sciences, in which we are a world leader now and will continue to be after we leave.

Ben Howlett (Bath) (Con): As chair of the all-party group on rare, genetic and undiagnosed conditions, I know that the issue of clinical trials is a big one for patients, as they are concerned that exiting the EU will mean that nothing will replace those trials. Will my right hon. Friend assure the House and those patients that the trials will be replicated as soon as we leave the EU?

Mr David Jones: I can assure my hon. Friend that we are in extensive discussions with the biopharma industry on that particular issue, and those discussions will continue.

Peter Grant (Glenrothes) (SNP): This week, the Kingdom of Fife is pleased to welcome almost 200 students from around the world who join very nearly 4,000 students from 137 countries at the University of St Andrews. When will that university be given absolute guarantees that nothing about Brexit will jeopardise its reputation as the most international of universities?

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): We need to engage with the university sector and work with it on a vision for a global Britain that continues to make the UK one of the most attractive places in the world for key talent to come.

Tom Pursglove (Corby) (Con): My right hon. Friend the Secretary of State has rightly been very clear that this Government will do nothing to damage our industries. I believe that leaving the European Union will be a good thing for our steel industry. This week, the all-party parliamentary group on steel and metal-related industries published its "2020 Vision" report. Would he like me to send a copy to him so that he can look at its recommendations as part of the ongoing policy debate?

Mr David Jones: Yes, we would be delighted to receive it.

Stephen Timms (East Ham) (Lab): The Society of Motor Manufacturers and Traders reported today that car production is at a high, but that investment in car manufacturing is falling because of uncertainty over Brexit. How long will the current uncertainty undermine investment in the British economy?

Mr Robin Walker: We should absolutely welcome the fact that we have seen the highest level this century of car production and car exports from the UK. We continue to see key investments by the automotive industry, such as Jaguar Land Rover's expansion in Coventry. We want to work with the industry to make sure that it has the best access to European markets, and indeed global markets, as we move ahead.

Nigel Huddleston (Mid Worcestershire) (Con): About 9 million Brits will visit France this year, and 15 million will visit Spain. In return, about 4.5 million French will visit the UK and about 2.5 million Spaniards. Will the Government be seeking visa-free travel for tourists across Europe post-Brexit, and in those negotiations will they be making it clear that it is very much in our European friends' interests to do so?

Mr David Jones: My hon. Friend is right to highlight the importance of the two-way tourism industry in Europe. These are issues that we are considering, but I can assure him that our aim is for frictionless arrangements.

Graham Jones (Hyndburn) (Lab): What settlement have the Government made with the Crown dependencies in their relationship with the EU via protocol 3? When we exit the European Union, does it mean that the Crown dependencies will also exit the customs union?

Mr Robin Walker: I met the Chief Ministers of Crown dependencies only yesterday as part of a formal process of ongoing meetings that we are holding to take their views into account. Following the Prime Minister's speech, I also spoke to each Chief Minister, and they are very pleased with our direction of travel.

Alex Chalk (Cheltenham) (Con): Higher education is one of the UK's greatest exports. As we seek to grow our export markets post-Brexit, does the Minister agree that we need an approach that plays to our strengths and builds on them?

Mr Walker: Wholeheartedly.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): In response to an earlier question, the Secretary of State said that we needed both flexibility and imagination in tackling these complex negotiations. My manufacturing sector and my university want competence, and they are worried about the competence of the team sitting on that Government Front Bench to carry out the negotiations thoroughly.

Mr Davis: I had better deal with this one.

Interestingly, if we look at the response around Europe to the Prime Minister's speech about competence, we see, for example, that the Spanish Secretary of State for Foreign Affairs, whom I saw only a couple of weeks ago, welcomed it widely and said that we had an eminently achievable aim in everybody's interests.

Robert Courts (Witney) (Con): In my constituency, we are lucky to see the excellent Airbus A400M as it flies from RAF Brize Norton. Does my right hon. Friend agree that this is an excellent example of defence

co-operation between Britain and her European allies, and that such defence co-operation will continue when this country leaves the European Union?

Mr David Jones: My hon. Friend is absolutely right. I visited the Airbus factory in Bristol just before Christmas and saw the wonderful work that it is doing there. He is right to say that integrated manufacturing across Europe is important and I have no doubt that we will be putting in place arrangements to ensure that it continues.

Victoria Atkins (Louth and Horncastle) (Con): An RAF Typhoon flown from my constituency and HMS St Albans have man-marked a rusting Russian aircraft carrier as it makes its journey of shame through the English channel on its way back from raids on Aleppo.

Does that not demonstrate the important role that the United Kingdom must play after our exit in ensuring the defence and security of Europe as a whole?

Mr Jones: My hon. Friend is right. Britain is a leading power in NATO and will continue to be after we leave the European Union.

Michael Tomlinson (Mid Dorset and North Poole) (Con): Will my hon. Friend visit Dorset to speak to our businesses and hear their concerns, and also to discuss the manifold and great opportunities that Brexit will provide?

Mr Robin Walker: I would be delighted to do so. We are getting out and talking to businesses across the country. I look forward to visiting businesses in my hon. Friend's constituency.

Yemen

10.35 am

Ms Tasmina Ahmed-Sheikh (Ochil and South Perthshire) (SNP) (*Urgent Question*): To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the situation in Yemen, from a humanitarian perspective and on diplomatic efforts to end the conflict.

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Mr Tobias Ellwood): The UK supports the Saudi Arabian-led coalition military intervention, which came at the request of the legitimate President Hadi. We are clear, however, that military gains by the coalition and the Government of Yemen must be used to drive forward the political process. A political solution is the best way to bring long-term stability to Yemen and end the conflict.

The UK has played a leading role in diplomatic efforts, including bringing together key international actors to try to find a peaceful solution. This is known as the quad and involves the Foreign Ministers of Saudi Arabia, the United Arab Emirates and the United States. Other Gulf Co-operation Council countries and the UN have also been involved. The first meeting was held in London in July 2016; it was one of the first acts of the Foreign Secretary. The last quad meeting was held in Riyadh on 18 December, and I attended. I last spoke to President Hadi on 15 January to discuss the importance of taking measures to prevent economic collapse.

We continue to strongly support the tireless efforts of the UN special envoy, Ismail Ahmed, to achieve a political settlement. We are providing over £1 million to his office to bolster the UN's capacity to facilitate the peace process. He is due to brief the Security Council today in New York on the latest developments and the UN's plan. Our ambassador to the UN, Matthew Rycroft, met him yesterday.

We share a deep concern for the humanitarian suffering of the people of Yemen, which we all have an obligation to alleviate. The UK is the fourth largest donor to Yemen, committing more than £100 million this year. Last year we helped more than 1.3 million Yemenis. Through the conflict, stability and security fund, we are funding: £700,000 for demining and clearing the explosive remnants of war; £400,000 for UN Women to support bringing women into the peace process and political dialogue; and £140,000 for other track II activities in support of the UN-led peace process.

Yemen is historically reliant on imports for more than 90% of its food and fuel needs. The Department for International Development is providing £1.4 million for the UN verification and inspection mechanism to speed up the clearance process for ships, so that food and fuel can get into the country more easily.

It is critical that all parties to the conflict renew their commitment to the cessation of hostilities, for the sake of the people of Yemen. All parties must engage constructively with the De-escalation and Co-ordination Committee, a mechanism created by the UN so that when incidents of concern are raised, they can be addressed effectively to reduce the likelihood of escalation.

Ms Ahmed-Sheikh: I am grateful to the Minister for that statement. When the UN Security Council meets this afternoon, it will do so against a backdrop of heavy

fighting in the Red sea ports of Mocha and Al Hudaydah and an increasingly dire humanitarian situation across the country. There are already 7 million people starving in Yemen. If those ports are destroyed or besieged, the delivery of vital aid that is required to avert famine in Yemen will become even more difficult.

The only way to prevent this unfolding humanitarian disaster from deteriorating even further is to agree an immediate ceasefire. Today's meeting of the Security Council provides a key opportunity to bring that closer. The Scottish National party believes that the UK is in a unique position to be able to show positive international leadership in order to bring about a ceasefire. It is vital to the lives of millions of Yemenis that we do so.

I ask the Minister, therefore, will the UK Government commit to use today's meeting of the Security Council to back a ceasefire and urge all conflict parties to protect women, boys, men and girls from all forms of conflict-related abuse and violence; to ensure that all conflict parties allow civilians safe and unhindered access to humanitarian assistance; to strongly condemn all violations of international humanitarian law and human rights law in Yemen; and to call for the establishment of an international, independent and impartial commission of inquiry to investigate them? Will the Government think once again on their own position and listen to Members across this House; and please consider halting all sales of arms to Saudi now, and in doing so, urge all Governments to follow suit?

Mr Ellwood: Yet again, it is a tribute to this House that we discuss these important matters. There are so many challenges in the middle east and north Africa at the moment and Yemen sometimes tends to get buried or overshadowed by some of the other challenges that we face, so I am grateful to the hon. Lady for raising this matter, on which we also had a thorough debate last week.

The hon. Lady is right to draw attention to the work that is taking place at the United Nations Security Council today, where the UN envoy, Ismail Ahmed, will lay out his plans for what we expect and hope to achieve in 2017. We ended the year in a better place: the Houthis were minded to support the road map—although they have yet to come to the table—and President Hadi was looking more favourably on providing support in order to rejoin talks in Kuwait in the very near future. Key aspects of the road map still need to be ratified. Once that is done, we are in a process that will lead to that important cessation of hostilities.

I understand the hon. Lady's desire to call for a ceasefire—a cessation of hostilities—immediately. We will see what comes out of today's meeting and the United Nations, but I am absolutely in agreement with her that that is what we want to happen. Calling for it needs to work in conjunction with the art of the possible; otherwise it is just words. In order for us to ensure that any ceasefire will hold, we need to be able to say what happens if either side breaches the cessation of hostilities, which means there need to be some prior agreements in place. There need to be some confidence-building measures as the build-up to the call for a ceasefire.

I absolutely agree with the hon. Lady's concerns about safe access. Humanitarian access to the country has been extremely limited, not least in respect of use of the ports, which we have discussed on many occasions.

[Mr Ellwood]

She yet again repeats her call for a UN independent commission of inquiry into some of the allegations on humanitarian and human rights law. In our previous debate on this matter, I stressed that it is the protocol for any country to conduct its own activities. I have said that if I feel that the reports that are due to come—and are slowly coming from a country that has never had to be pressed to write a report before—are deemed to be unworthy, unsuitable or miss the purpose for which they are being written, yes I will join with her and say that this should be moved to an independent examiner, possibly the United Nations, as well. But until we reach that point, I will continue to back Saudi Arabia conducting its own inquiries, in the same way as we do ourselves, and America does itself, not least when it hit the hospital in the north of Afghanistan.

The hon. Lady mentions arms sales. We have one of the most robust sales processes in the world. Each sale is conducted and scrutinised on its own basis. As we have said in the past, where we see ourselves at the moment is that we fully support the continued sales of arms to Saudi Arabia.

Several hon. Members *rose*—

Mr Speaker: Order. Given the significant interest in the subject, I appeal for pithy questions and pithy replies. I call Bob Stewart.

Bob Stewart (Beckenham) (Con): Everyone in this House totally understands that a ceasefire is the only way ahead; and it is going to come. But it is only going to come when President Hadi and the Houthis agree it. I think the Minister will agree with me that when that happens, we will expect there to be breaches of it, but we must not break the ceasefire.

Mr Speaker: Order. Well, I suppose the Minister can invent a question mark at the end and then provide a sentence of reply—it was not a question but a statement. But can we have a brief sentence?

Mr Ellwood: My hon. Friend raises an interesting question—

Mr Speaker: If only.

Mr Ellwood: But he does make an important point, in that President Hadi is not the only stakeholder, nor are the Houthis: there are the Zaydis that do not support the Houthis, and there are the many tribes that do not support President Hadi. It is a complex country; we need to make sure that all the stakeholders are buying into the ceasefire, and that if there are breaches of the ceasefire, they can be reconciled without the whole ceasefire collapsing.

Emily Thornberry (Islington South and Finsbury) (Lab): I congratulate the hon. Member for Ochil and South Perthshire (Ms Ahmed-Sheikh) on securing this urgent question, and I agree with everything she said.

We need once again to ask the Government what they are doing to end the conflict in Yemen. The Minister talks about the need for a political solution. When is he going to present our resolution to the United Nations? When are we going to get proper investigations into alleged violations of international humanitarian law? Why are we continuing to sell Saudi Arabia the arms to

wage this conflict? Ultimately, when are we going to bring the suffering of the people of Yemen to an end and then get to them the humanitarian aid that they need?

In every debate, every month, and now every year, we ask the same basic questions, and every time the Minister, whose name is now, I am afraid, synonymous with the Yemen conflict, stands there and gives us the same non-answers. We have had the same today, so let me simplify these things for him a little and ask him some plain, factual questions. First, did he read the excellent article on Tuesday for “Middle East Eye”, which was written by the right hon. Member for Sutton Coldfield (Mr Mitchell)? If he did, can he tell us what in that analysis he disagrees with?

Secondly, and even more straightforwardly, questions on which we must get answers today: how many civilian deaths in total are involved in the 252 alleged violations of humanitarian law by the Saudi-led coalition, which the Ministry of Defence admitted today that it is tracking? Have any of them been the subject of one of the 13 reports that the coalition’s joint incidents assessment team has produced over the past nine months? If so, which ones? If not, why not?

Thirdly, does the Minister really think that Yemeni mothers who are today desperately scavenging for food for their children would agree with him that we ended 2016 in a better position than we started it in?

Mr Ellwood: I think I answered many of those questions in my opening replies, but on the UN resolution, which the hon. Lady raises again, the UN special envoy is in New York today, so we will hear when it is appropriate for him to promote the resolution. It is likely, once we have confirmation from the parties that agree that, that they can confirm that the UN resolution is there to consolidate and legalise the process. So we will wait to hear an announcement today; I am sure that, by the end of the day, we will have a statement by the UN envoy himself.

Regarding the sales, I repeat what I said earlier: we have one of the most vigorous arms export licence schemes in the world. Export sales are subject to our consolidated EU and national arms export licensing criteria.

We are getting humanitarian aid into the country. The process is slow and cumbersome, but we are making a significant contribution to providing support to the people who are caught up in this awful conflict. The sooner the people of Yemen recognise that there is no military end to this, but that there must be a political solution, the sooner we can get even more aid into the country.

Michael Gove (Surrey Heath) (Con): The Houthi rebels in Yemen enjoy the support and patronage of the Islamic Republic of Iran, which is the world’s most prominent state sponsor of terror, responsible for genocidal violence in Syria. What pressure is being brought to bear on the regime in Tehran to advance the cause of peace rather than to continue to glory in slaughter?

Mr Ellwood: I visited Iran last week, and I was in Tehran. I raised a whole range of issues, including some of the regional matters. I made it very clear that not just Yemen but the wider region will benefit if this cold war

that almost exists between Saudi Arabia and Iran were to thaw. If we can get the security right and have an understanding of where things should go in the future, the prosperity for the region will be huge, and not least the benefits for Yemen, because we will then see an end to this war.

Stephen Twigg (Liverpool, West Derby) (Lab/Co-op): Before the war, up to 70% of Yemen's food supply came through Al Hudaydah port. What representations are the Government making to the Saudi-led coalition, urging them not to pursue a sea and air attack and instead to pursue a ceasefire?

Mr Ellwood: I pay tribute to the work that the hon. Gentleman does on these matters, in which he takes a huge interest. He is right to highlight the importance of that port in gaining aid access to the country from the Red sea, further up, because the port of Aden cannot cope. The port is currently in Houthi hands, although the UN has access to part of it. The problem is that the cranes are not working. I have been in discussions with Oman, which has similar cranes that could perhaps be put there, and that would speed up the process of getting aid into the country.

Sir Desmond Swayne (New Forest West) (Con): Does the existence of the rebel Iranian-backed regime pose an existential threat to the stability of the Kingdom of Saudi Arabia and the entire region?

Mr Ellwood: If I understand my right hon. Friend's question correctly, we have an indigenous stakeholder in the north of the country that is part of Yemen—they are part of the future of the country themselves—but they have attacked Saudi Arabia in the north. They have killed people and struck villages and so on, so the war has spilled beyond the borders of Yemen. That is all the more reason why we need to work towards a ceasefire and a political agreement.

Alex Salmond (Gordon) (SNP): Has the Minister seen and examined the reports of UK military personnel in Saudi Arabia? Do these reports justify his continuing support for the Saudis' own investigation into breaches of humanitarian law? Can he give any explanation or succour as to why the Government are refusing to back the international and independent examination? Given that the Foreign Secretary himself has described this conflict as being in the nature of a proxy war, why do the Government persist in giving such unfailing support to Saudi Arabia?

Mr Ellwood: We have a long historical, and close, relationship with Saudi Arabia, but I have been the first on many occasions to make it very clear that this is a country where the establishment are on the liberal wing of a conservative society. They are not used to having the limelight shone on them in this way. A sustained war, which, again, they do not have experience of, has exposed a number of absences of skills, which they have had to learn the hard way, one of which is going through proper investigations to show what happens when mistakes and errors are made. I agree with the right hon. Gentleman; I do not refuse to say that I will call for independent investigations. I am first asking Saudi Arabia to provide those reports itself, and if they

are found wanting, then yes, I will stand with the right hon. Gentleman and ask for the United Nations to take on that role.

Mrs Flick Drummond (Portsmouth South) (Con): The Iranian Foreign Minister, Mohammad Javad Zarif, said last week in Davos that he could see no reason why Iran and Saudi Arabia should have hostile policies towards each other. He went on to say that they should work together to end the miserable conditions of the people in Syria and Yemen. Does the Minister have any indication that this is a new initiative, because it would be very good news for the peace process?

Mr Ellwood: My hon. Friend makes a very important wider point as to where the relationship between these two important countries in the region will go. I hope that we will endeavour to see a thawing of that cold war. Other countries such as Kuwait and Oman are looking at this to see what they can do to help—to see whether there is an ability to develop the communications that we need, to allow for a greater understanding so that mistakes cannot be made, and to improve security and prosperity for the region.

Mr John Spellar (Warley) (Lab): Can the Minister confirm that the Saudi-led coalition is operating in pursuance of a UN resolution, and that the conflict is fuelled particularly by the ambitions of Iran? Will he stress the UK's very important security and defence relationship with Saudi Arabia and its importance to security, not only in the region but in our own country? Finally, can he confirm the enormous importance of Saudi Arabia to our world-beating aerospace industry and its skilled workforce?

Mr Ellwood: The right hon. Gentleman raises some important points. The UN resolution gives legitimacy to Mr Hadi's call for support by any means—I think those are the words that were used—which is why it was possible to put together the Saudi-led coalition to thwart the advance of the Houthis from the north of the country.

The right hon. Gentleman is also right to underline our important relationship with Saudi Arabia, which it values and we value. Saudi Arabia is learning the hard way, and making those steps has been difficult. It is better that we do as we are doing and take Saudi Arabia through the process than for it to join other countries that would not exert the same pressure concerning humanitarian issues, women's rights and all the other aspects that we want it to move towards.

Jeremy Lefroy (Stafford) (Con): What discussions have my hon. Friend and his colleagues had with the UN Under-Secretary-General for humanitarian affairs, Stephen O'Brien? Have the United Kingdom Government agreed to meet any request that the United Nations has made in that respect?

Mr Ellwood: The Minister of State for International Development, my hon. Friend the Member for Penrith and The Border (Rory Stewart) met Stephen O'Brien only a couple of weeks ago, and I meet our former colleague regularly. At the UN General Assembly in September last year, he co-chaired a meeting with the Secretary of State for International Development to

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raise funds, to ensure that other countries joined us in providing the finances necessary to give humanitarian support to Yemen. I pay a huge tribute to him and the work that he is doing in the United Nations.

Tom Brake (Carshalton and Wallington) (LD): Does the Minister agree that repeated violations of international humanitarian law would feed the humanitarian crisis in Yemen? The UK Government's assurances that no such violations have been committed by the Saudi-led coalition are worthless when, in the Minister's own words,

"neither the MOD nor the FCO reaches a conclusion as to whether or not an IHL violation has taken place in relation to each and every incident of potential concern that comes to its attention."

Mr Ellwood: I have mentioned that we had the Foreign Minister of Saudi Arabia come here and answer that question directly. Saudi Arabia has no interest in somehow bombing Yemen back into the past, and the storyline that some are trying to perpetuate is simply wrong. We are talking about an ally and a neighbour, and the two countries have a long combined history. It is in Saudi Arabia's interest for Yemen to thrive and prosper, so the idea that Saudi Arabia would continue to want to bomb agricultural areas, schools or other such things for the sake of it is simply misleading.

Chris Davies (Brecon and Radnorshire) (Con): Will the Minister update the House on any progress made on the Gulf Co-operation Council initiative for peace?

Mr Ellwood: The GCC initiative for peace and the partnership for peace were previous initiatives that the Houthis signed, prior to 2014 when they left their communities in the north and pushed in towards the capital. Those initiatives are the basis from which UN Security Council resolution 2216 has been crafted, and I hope that they will be the basis for the road map that we will work towards. The fact that the Houthis signed those initiatives in the past is, I hope, a good indication that they will back the road map.

Ann Clwyd (Cynon Valley) (Lab): Will the Minister confirm that the Government are at present tracking 252 allegations of humanitarian law violations by the Saudi-led coalition in Yemen, and has he heard what the former Business Secretary told the BBC? The former Business Secretary said that he was "staggered" by the number of potential breaches, and that if he were still in government, arms exports to the Saudis would have stopped

"a long time before now".

Mr Ellwood: The tracking and covering of the various elements of what is happening in Yemen is done by the Ministry of Defence. If I may, I will get the MOD to write to the right hon. Lady with details of where things stand.

Nigel Huddleston (Mid Worcestershire) (Con): Could the Minister confirm the presence of al-Qaeda and Daesh in Yemen and comment on whether this is also a threat for us here at home?

Mr Ellwood: In all the discussions that we have had about the Houthis, President Hadi and other stakeholders, we can end up glossing over the fact that al-Qaeda was and has been in the Arab peninsula for some time. Al-Qaeda is responsible for the Charlie Hebdo attack, the printer bombs, the underpants bomb and many others. This is one of al-Qaeda's most advanced and complex capabilities. That is why it is so important for us to get good governance in Yemen so that al-Qaeda cannot take advantage of the vacuum of governance.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): The Secretary of State has confirmed in a letter to my hon. Friend the Member for Arfon (Hywel Williams), that the US has been feeding arms to the Saudi coalition, fuelling the desperate humanitarian crisis in Yemen. What will Ministers do to persuade their new American counterparts to stop supplying these deadly cluster bombs in future?

Mr Ellwood: I have worked quite hard to get not only Saudi Arabia but all the GCC nations to show a willingness to join others around the world in signing the convention on cluster munitions. The Americans are obviously not a signatory to it, but I hope that Saudi Arabia, which is considering this, will recognise its importance. I would say that Rex Tillerson, the new Secretary of State—he lived in Yemen for three years, and knows the area very well—will meet my right hon. Friend the Foreign Secretary in the very near future.

Mr Philip Hollobone (Kettering) (Con): People in Kettering agree that providing humanitarian assistance to vulnerable people in war zones is a proper use of our overseas aid budget. How many people are we supporting in Yemen, and what plans do we have to extend that budget in 2017?

Mr Ellwood: As I have said, we are the fourth largest donor for the country of Yemen, providing over £100 million. We are looking at ways of getting other countries to match our funding and to work with the United Nations. I hope my hon. Friend's constituents will be reassured that we check to make sure that the funds going to the country do go where they are actually needed.

Alison McGovern (Wirral South) (Lab): Further to the question asked by my right hon. Friend the Member for Cynon Valley (Ann Clwyd), will the Minister confirm that all the evidence we hold about violations will be passed to any inquiry, preferably an independent, UN-led commission of inquiry?

Mr Ellwood: Again, in relation to that question, I will ask the Ministry of Defence to write to the hon. Lady with details of how the process works.

Robert Courts (Witney) (Con): Will the Minister confirm that the UK remains fully committed to diplomatic efforts to find a peaceful solution to the conflict in Yemen?

Mr Ellwood: That is at the heart of what we now need to achieve. As I have mentioned, the quad met on 19 December 2016. I pay tribute to John Kerry for the work he did in forming the quad. We are now in

discussions, and we will speak to the UN envoy about the quad meeting at the very earliest opportunity, so that we can get the parties back around the table in Kuwait and put in place a cessation of hostilities agreement.

Patrick Grady (Glasgow North) (SNP): I hope the Minister will join me in welcoming the fact that the Disasters Emergency Committee has raised £17 million, which I believe includes DFID funding. Does that not show the importance of the UK meeting its 0.7% target as an example of global leadership? Will it, as I hope, encourage other countries to contribute to the UN appeal, which is currently only 60% funded?

Mr Ellwood: I confirm—I think for the third time—that we remain absolutely committed to the 0.7% target. Perhaps we do not see it so much in the House, but when we attend meetings at the United Nations General Assembly or in Geneva and Vienna, our soft power—the leadership we show, our commitment to helping others less fortunate than ourselves across the world and our leadership in how such money is spent—allows us to punch above our weight across the world.

Tom Pursglove (Corby) (Con): Building on the last question, will my hon. Friend join me in congratulating all those in this country who do such important work in fundraising and collecting items to send to people in humanitarian crises such as this one?

Mr Ellwood: I do. People often ask what they can do as individuals, and their contributions, whether financial or otherwise, are certainly very much appreciated. It is also very important that we thank the non-governmental organisations providing the facilities to make sure that such processes can be followed. I pay tribute to Oxfam, which is conducting a conference on this subject today, at which the Minister of State, Department for International Development, my hon. Friend the Member for Penrith and The Border will be speaking.

Mike Gapes (Ilford South) (Lab/Co-op): The Minister mentioned the discussions within the United Nations. When the Prime Minister meets President Trump, will she emphasise to him the important role that the United Nations has in resolving regional conflicts such as the one in Yemen, and will she tell him not to undermine the UN by cutting the US contribution to it?

Mr Ellwood: I read an article, in *The New York Times* I think, suggesting that there may be such changes. It is important that people not just in America but across the world understand that the United Nations is pivotal as the international forum in which countries can come together to resolve their issues. If it did not exist, we would invent it. However, we must recognise that the troubled period it has had in the past six months or so, because of the use of the veto, means that it is perhaps now time for it to be reinvented.

Peter Grant (Glenrothes) (SNP): As my hon. Friend the Member for Ochil and South Perthshire (Ms Ahmed-Sheikh) has said, 7 million people in Yemen are going to starve to death. Ninety per cent. of the food that will keep them alive has to be imported. The sea ports through which that food has to be imported are being deliberately and systematically bombed into oblivion by

the Saudi-led coalition. How can it possibly be morally defensive to sell any weapons whatsoever to a regime that is undertaking such inhumane actions?

Mr Ellwood: I understand the spirit in which the question is asked, but it is not the case that the ports are being bombed into oblivion. As I said earlier, the Al Hudaydah port is divided into two areas, one operated by the Houthis, the other by the United Nations, and they can get ships in, but there is a queue of ships because the working cranes are not large enough to get the kit off. That is the bottleneck that we need to resolve.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): When the Saudi Foreign Minister came twice to speak to Members and the Minister, he made it clear that he would investigate the allegations. As we have heard, there are 252, yet we have had responses to only a handful. When will the Minister say enough is enough, not least given the potential humanitarian consequences of an attack on Al Hudaydah?

Mr Ellwood: I will join the hon. Gentleman and say that the pace of the reports coming out is far too slow and that the process needs to speed up, but Saudi Arabia did not even have an investigations process. When we think about some investigations that have taken place, for example Chilcot, we should ask ourselves how long did they take. Perhaps I am comparing apples with pears, but when starting from scratch, it takes time to have the processes in place to ensure that there is the necessary evidence for a report to be compiled. I will invite Adel al-Jubeir, the Foreign Minister of Saudi Arabia, back here so that we can put those questions to him again.

Nick Smith (Blaenau Gwent) (Lab): Further to the question of my hon. Friend the Member for Liverpool, West Derby (Stephen Twigg), what can the Minister do to ensure that cranes are available to get the ports working and to get aid in?

Mr Ellwood: My hon. Friend the Member for Penrith and The Border, the DFID Minister, has just spoken to Simon Collis, our ambassador in Saudi Arabia, and I raise the matter regularly. The challenge that we face is the question of who has ownership of the port and the fact that it was used to bring in weapons. That was the coalition's concern. Several possibilities—joint ownership, ownership by the United Nations—are being explored to ensure that the humanitarian challenges, particularly with winter coming on, can be met.

Margaret Ferrier (Rutherglen and Hamilton West) (SNP): The revelation that the Ministry of Defence is tracking 252 allegations of international humanitarian law violations by the Saudi-led coalition in Yemen is truly shocking, but with the civilian death toll now passing 10,000, according to the UN, and the country on the brink of famine, when will the Government halt arms sales to Saudi Arabia until the alleged IHL breaches can be properly investigated?

Mr Ellwood: Again, I pay tribute to the hon. Lady for her interest in the process and for holding the Government to account, but I reiterate that we have a robust arms

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export licence system and we are doing all we can to ensure that we can get humanitarian aid into the country and that we work with Saudi Arabia so that it improves its systems and become more accountable and transparent.

Diana Johnson (Kingston upon Hull North) (Lab): It is clear that the Minister's patience with the Saudis' ability to carry out investigations is wearing a little thin. Have we a timescale in mind for when the Government will finally say, "Enough. We now need an independent, international investigation"?

Mr Ellwood: Yes, I do feel that my patience is being tested here. Saudi Arabia is aware that this is in the limelight and that the international community is getting more and more concerned about some of the events and incidents that have taken place. It is not good for Saudi Arabia or any members of the coalition. I will endeavour to make a statement after we have heard what the UN Security Council has said on the matter, so I think that we have a plan for 2017 and some better news.

Jim Shannon (Strangford) (DUP): Children in Yemen face a desperate situation. Recent estimates show that some 40% of children could be malnourished—double the proportion that the World Health Organisation recognises as a food emergency. Does the Minister agree that the British Government should increase diplomatic efforts with Saudi Arabia to address urgently the food crisis for children in Yemen?

Mr Ellwood: The question gives me licence to say that it is not just us or the United Nations doing this: the coalition is putting in a lot of effort to get aid into the

country. Last year, a series of Saudi Arabian trucks full of aid were blown up by the Houthis. The aid commitment by Saudi Arabia and the coalition is significant and they are doing their part to make sure aid gets into the country.

Graham Jones (Hyndburn) (Lab): The Minister just made the point: is not the Gulf Co-operation Council the biggest donor to Yemen in direct aid—and indirect aid, through remittances—and should not the sensible position of this House be to support the council in its efforts to seek peace in Yemen, instead of playing silly games?

Mr Ellwood: The work of the Gulf Co-operation Council is important in bringing together a collaborative and joint approach from the Gulf nations. I was pleased that our Prime Minister was able to address the council's summit last November, where many of those issues were raised.

Nick Thomas-Symonds (Torfaen) (Lab): Is not the difference between Afghanistan—where obviously the UK and the US carried out their own investigations—and Yemen, the sheer number of allegations that have been made? Does not that justify moving to an independent investigation as soon as possible?

Mr Ellwood: Looking at the number of allegations that took place in Afghanistan, I would not necessarily agree with the hon. Gentleman. He is looking at only the British and American—or allied and Operation Enduring Freedom—side of things. If we include what the Afghans were doing as well, the numbers would rise. He is not comparing like with like. We have to include not only what the international community is doing, but what Saudi Arabia is doing.

Business of the House

11.11 am

Valerie Vaz (Walsall South) (Lab): Will the Leader of the House give us the business for next week?

The Leader of the House of Commons (Mr David Lidington): The business for next week will be as follows:

MONDAY 30 JANUARY—Second Reading of the Pension Schemes Bill [*Lords*].

TUESDAY 31 JANUARY—Second Reading of the European Union (Notification of Withdrawal) Bill (day 1).

WEDNESDAY 1 FEBRUARY—Conclusion of Second Reading of the European Union (Notification of Withdrawal) Bill (day 2).

THURSDAY 2 FEBRUARY—Select Committee statement on the seventh report of the Public Administration and Constitution Committee, entitled “Will the NHS ever learn?” followed by general debate on the armed forces covenant report 2016. The subject for debate was determined by the Backbench Business Committee.

FRIDAY 3 FEBRUARY—Private Members’ Bills.

The provisional business for the week commencing 6 February will be as follows:

MONDAY 6 FEBRUARY—Consideration in Committee of the European Union (Notification of Withdrawal) Bill (day 1)

TUESDAY 7 FEBRUARY—Continuation of consideration in Committee of the European Union (Notification of Withdrawal) Bill (day 2).

WEDNESDAY 8 FEBRUARY—Conclusion of consideration in Committee of the European Union (Notification of Withdrawal) Bill (day 3) followed by remaining stages of the European Union (Notification of Withdrawal) Bill.

THURSDAY 9 FEBRUARY—Business to be nominated by the Backbench Business Committee.

FRIDAY 10 FEBRUARY—The House will not be sitting.

I should also like to inform the House that the business in Westminster Hall for 6 and 9 February will be:

MONDAY 6 FEBRUARY—Debate on an e-petition relating to the domestic ivory market in the UK.

THURSDAY 9 FEBRUARY—Debate on the sixth report from the Science and Technology Committee on smart monitoring of electricity and gas.

Valerie Vaz *rose*—

Mr Speaker: Order. In recent weeks, exchanges at business questions have been notably protracted and it would really help if questions and replies could be pithy, including the exchanges between the Front Benchers.

Valerie Vaz: Thank you, Mr Speaker. Your comments are duly noted.

I thank the Leader of the House for the business. Will he confirm that 20 July will be the date on which the House rises for the summer recess? The great repeal Bill will be in the Queen’s Speech: will he let the House know when that will be debated?

The British people owe a debt of gratitude to Gina Miller. Because of her courage, the highest court of the land—the Supreme Court—confirmed that it is inconsistent with longstanding and fundamental principles that far-reaching constitutional change should be brought about by ministerial decision or action alone, as it requires an Act of Parliament. Has the Prime Minister got the memo that Parliament is sovereign?

White Papers are a tool of participatory democracy, not an unalterable policy commitment. Earlier this week, my hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) and 13 other Members from across the House asked for a White Paper. The Secretary of State for Exiting the European Union on Tuesday did not, could not or would not answer. Instead, the Prime Minister announced it in response to a question at Prime Minister’s Question Time. Will the Leader of the House please confirm whether all policy U-turns are now to be so announced? If so, will we have to negotiate an extension for Prime Minister’s Question Time?

Will the Leader of the House respond to what hon. Members have asked for today? Will the White Paper and the risk assessments be published before the Committee stage—in the coming two weeks? The Government clearly do not do process or substance. The Secretary of State said:

“What we have come up with...is the idea of a comprehensive free trade agreement and a comprehensive customs agreement that will deliver the exact same benefits as we have”.—[*Official Report*, 24 January 2017; Vol. 620, c. 169.]

Same outcome, different name! We call it the single market, they call it a free trade agreement; we call it the customs union, they call it a customs agreement. Will the Leader of the House ensure time to debate this alternative terminology so that there is no confusion?

Staying with the EU, will the Leader of the House find time for a debate on the comprehensive economic and trade agreement between the EU and Canada? The Secretary of State for International Trade has apparently given a commitment on behalf of the Government before the plenary vote in the EU on 15 February, and confirmed to the Chair of the European Scrutiny Committee that he had overridden parliamentary scrutiny. I am sure that the Leader of the House will say something about that.

The Government cannot use the Brexit shambles as an excuse for policy failures or fiscal irresponsibility. May we have a debate on the National Audit Office report on Her Majesty’s Revenue and Customs’ contract with Concentrix? Some £23 million was paid as commission to the firm on a contract worth £32.5 million. I and many other hon. Members have constituents who have suffered extreme hardship having had their tax credits taken away. If the Government can find £23 million for a commission to Concentrix, could any damages for breach of contract be set aside and £10 million provided to cover the costs of child burial? I refer to the campaign started by my hon. Friend the Member for Swansea East (Carolyn Harris) in memory of her son Martin.

May we also have a debate on the climate change risk assessment report published on 18 January? The report highlighted urgent priorities. It said that more action was needed on flooding and coastal change risks; highlighted the risks to health from high temperatures; and pointed out the risk of shortages in public water

[Valerie Vaz]

supply. Despite this, there has been no speech or statement from Secretary of State for Environment, Food and Rural Affairs, and the Department's Twitter account is silent. It is eerily similar to what is going on in the White House. Can we have a statement from the Secretary of State? As mothers, fathers, uncles, aunts and grandparents, we need to know what steps will be taken to protect future generations.

Will the Leader of the House raise the case of Nazanin Zaghari-Ratcliffe with the Foreign Secretary? She has had her five-year sentence confirmed, but it is not clear what the charges are. Representations must be made.

I am sure the Leader of the House and all Members will join me in celebrating the consecration of the first woman bishop in Wales, Canon Joanna Penberthy, who will be Bishop of St David's—a great little city.

Finally, whatever the shape of the Bill to be published later today, I would like to remind hon. Members that the procedural hub is open in the Library to help Members with amendments. Parliament is indeed sovereign.

Mr Lidington: I join the hon. Lady in welcoming the new Bishop of St Andrew's—I mean St David's—to her duties. [Interruption.] I am getting carried away by Burns night this week. The bishop must be taking charge of one of the most picturesque and delightful dioceses anywhere in the country.

On the question of Mrs Zaghari-Ratcliffe, which the hon. Lady rightly raised, my hon. Friend the middle east Minister spoke to the Iranian Deputy Foreign Minister on Monday to express our concern at the appeal verdict. The case has also been raised directly by the Prime Minister and the Foreign Secretary with President Rouhani and Foreign Minister Zarif, and our ambassador will continue to raise it at every level and at every opportunity in Iran.

The Government have accepted that Concentrix provided unacceptably poor service, and also that HMRC itself needs to learn lessons from the experience. I hope the House will recognise that the Government were right to prioritise the people whose tax credit claims had been either handled wrongly or not properly assessed. HMRC has now dealt with all the 181,000 cases that were taken back from Concentrix.

I shall consider the hon. Lady's request for a debate on climate change. As she will know, the Government continue to give a high priority to the issue, and we played a leading role in helping to forge the Paris agreement last year.

I cannot, as yet, give the House details of the dates of the summer recess or the Queen's Speech, but I hope to do so as soon as possible.

The hon. Lady asked about the comprehensive economic and trade agreement and the override. There was a need for my right hon. Friend the Secretary of State for International Trade to override the normal scrutiny procedures, because the EU timetable for agreement within the Council accelerated faster than we had expected, and it was in our interests—in terms of our relationship with Canada, our support for free trade as a principle, and our EU relationships with other countries—to agree. The UK has been championing that agreement since the inception of negotiations. However, I said in

my evidence to the Scrutiny Committee two weeks ago that we would seek an opportunity possibly to try to link the debate on CETA to a wider debate on international trade before much longer.

As for the hon. Lady's broader questions about Europe, I am sorry that she was a bit grudging in her response to the Government's announcement about the White Paper. The Opposition normally complain when an announcement is made by way of a written statement or a press release, away from the glare of parliamentary scrutiny. In this case, the Government made their announcement during Prime Minister's questions, with a packed House, a packed Press Gallery and a packed Public Gallery. I thought that the hon. Lady might have welcomed that. I hope that it will not be much longer before, equally in prime time, we shall finally have the authoritative statement of what on earth the Opposition's policy on Europe is. We have been waiting for that for far too long.

Sir David Amess (Southend West) (Con): Will my right hon. Friend find time for a debate on regulations surrounding the operation of Uber? While I entirely understand that it works very well for some people, it is having an adverse impact on the licensed taxi trade in Southend.

Mr Lidington: I understand my hon. Friend's concern about the position in Southend. I understand that there have been allegations that drivers whose licences had been revoked by Southend Council continued to work in the town by obtaining TfL licences and working for Uber. My advice to my hon. Friend and his constituents is that those concerns should be raised directly with Transport for London. It is the responsibility of local licensing authorities to ensure that not just taxi drivers but private hire drivers are fit and proper persons to hold such licences.

Pete Wishart (Perth and North Perthshire) (SNP): May I personally thank you, Mr Speaker, for an immaculate Selkirk Grace last night, and also let you know that you are down for "Tam o' Shanter" next year?

I thank the Leader of the House for announcing the business for next week—and what a week it is going to be. First there was to be no vote; now there is to be a vote. Then there was to be no Bill; now there is to be a Bill. Then there was to be no White Paper; now there is to be a White Paper. We should have chanced our arm and said that we should definitely stay in the European Union.

The Bill's Second Reading will take place on Tuesday, and a Committee of the whole House will debate it the following week. Everything will be rushed through and concluded before the following Thursday. As the guardian of the House's procedure and its business, will the Leader of the House guarantee that the White Paper will be published in time for the Committee stage, so that the House can consider it before debating a Bill of such importance and such magnitude?

May we have a debate about special relationships, and, in particular, about how you are supposed to behave when you are in one of those special relationships? When a United States President backs torture as an instrument of policy, when particular religions are picked out for exclusion and when women's rights are set back decades, should this country not be a little bit more cautious before accepting a Trumpian embrace?

Lastly, may we have a debate about Scotland's place within the United Kingdom following some of the discussions there have been in the Supreme Court, because we now know that all these Scotland Acts and devolution settlements are not worth the vellum they are written on? We now know that there is no such thing as permanence in this Parliament, and what we have heard about the Sewel conventions being enshrined in law is nothing other than parliamentary waffle. Week by week, a Brexitised Britain looks a less and less attractive prospect for Scotland. We need to know that our views are going to be respected, or we will have to reconsider remaining in this particular place.

Mr Lidington: In reply to the hon. Gentleman's questions, first, we hope to publish the White Paper as soon as possible.

On the very important question the hon. Gentleman asked about torture, the Prime Minister said very clearly yesterday that the United Kingdom remains resolutely opposed to torture on the grounds of moral principle, on the grounds of our participation in the UN convention against torture and other such international legal instruments, and on the grounds that it does not work because we cannot place much value on information or evidence extracted by means of torture. That continues to be, and will continue to be, the Government's position.

On the hon. Gentleman's question about the place of Scotland in the United Kingdom, it was the Scottish Government's decision to go to the Supreme Court over the question of consultation with the devolved Administrations, but it has always been the case, and is set down in the three devolution Acts, that the United Kingdom's participation in, and membership of, international organisations is a reserved matter under those devolution settlements.

On the hon. Gentleman's other questions about Europe, this House voted overwhelmingly for the referendum Bill to give the decision to the people and voted overwhelmingly for the Prime Minister to trigger article 50 by the end of March, and that is what we are seeking to deliver.

Several hon. Members *rose*—

Mr Speaker: Order. In reminding colleagues of the need for brevity, I also remind them that those who came into the Chamber after the statement had started should not be standing—I am sorry, but it is as simple as that.

Sir Oliver Letwin (West Dorset) (Con): Can the Leader of the House confirm that during the Committee stage of the withdrawal Bill, the Government's intention will be to resist every and each amendment that seeks to tie the Government in legal knots and impede their negotiation?

Mr Lidington: As hon. Members will see when they have studied the Bill, it is a short Bill which empowers the Prime Minister formally to trigger article 50 and commence the negotiation. That is all that the Bill is about.

Ms Angela Eagle (Wallasey) (Lab): Since this Government came into office they have sought to avoid parliamentary scrutiny of their plans to leave the EU

and to achieve their aims by resorting to the use of the royal prerogative, bypassing this Parliament. First, they lost in the High Court, then they lost in the Supreme Court, and now, finally, they have had to concede that Parliament is sovereign by publishing a Bill and a White Paper. But I was astonished at the amount of time that the Leader of the House has given this House to debate the Bill, and he is being very coy about whether the White Paper will be published before the Committee stage of the Bill. Can he give us more time and tell us that he is going to publish the White Paper before next week?

Mr Lidington: If we consider that this is a two clause Bill, of which the second clause deals only with the extent of the Bill in respect of the United Kingdom, there is plenty of time, including two full days on Second Reading, for all opinions to be fully expressed.

Jack Lopresti (Filton and Bradley Stoke) (Con): May we have a debate on the ongoing witch hunt of former service people who served in Northern Ireland during the troubles, because this is a travesty of justice, brings shame on our country and has to stop?

Mr Lidington: There will be Northern Ireland questions next Wednesday, on 1 February, when my hon. Friend may wish to press this point, but, as he knows, the Secretary of State has already expressed concern about this. It is important that criminal investigations are conducted independently and impartially, but that servicemen and women are not singled out in any way.

Ian Mearns (Gateshead) (Lab): I thank the Leader of the House for his statement, and for giving the House confirmation that the Back-Bench debate on the armed forces covenant will take place on Thursday 2 February. Earlier this week, the Backbench Business Committee determined that a debate on Israeli settlements in the occupied Palestinian territories would be scheduled for the next available date. That will be on 9 February. We are also hoping to schedule a debate on the governance of football on that date, but we need to get confirmation from the applicants that that will be okay. I should also like to let the hon. Member for Filton and Bradley Stoke (Jack Lopresti) know that an application has been made for a Back-Bench debate on the position of former UK armed forces personnel in regard to previous activities.

Mr Lidington: I am grateful to the hon. Gentleman for that information. I try to assist him by giving him adequate notice of Back-Bench time, and he is helping the whole House by indicating where future opportunities will lie.

Chris White (Warwick and Leamington) (Con): Yesterday I had the pleasure of meeting representatives of Age UK Warwickshire and hearing about the excellent work that they carry out in my constituency. In the light of increasing life expectancy and the rise in the incidence of conditions such as dementia, may we have a debate on how we can better support such organisations and on the benefits of closer co-operation between such bodies and local authorities?

Mr Lidington: My hon. Friend is quite right to highlight this point, and I should like to congratulate him and those people in Warwickshire who are working so hard

[Mr Lidington]

to improve services for people living with dementia and to raise money for dementia research. The Government have doubled research spending on dementia, and we are looking to spend more than £300 million during this Parliament, but as my hon. Friend says, helping people who are living with dementia involves families, voluntary organisations and local authority statutory services co-operating closely.

Mr Ben Bradshaw (Exeter) (Lab): May I say to the Leader of the House that providing just three days to debate the most important issue facing this country in a generation, the repercussions of which will affect generations to come, is totally unacceptable? I hope that every Opposition party in the House, and every Member who cares about parliamentary democracy, will vote against this contempt of Parliament when we vote on the programme motion.

Mr Lidington: I remind the right hon. Gentleman that his party supported the European Union Referendum Bill on putting the question to the people, and it supported the timetable for triggering article 50 by the end of March. This Bill is designed to ensure that those objectives are met.

Michael Tomlinson (Mid Dorset and North Poole) (Con): Does the Leader of the House agree that there is in fact ample time to debate the article 50 Bill? We will have two days on Second Reading and three days in Committee to debate what will be a very narrow Bill. Can he confirm the precise sitting times on those days?

Mr Lidington: We will try to ensure that there is plenty of time, and that adequate protection is given against the risk of statements or urgent questions so that Members on both sides have the opportunity to debate these matters fully.

Alan Brown (Kilmarnock and Loudoun) (SNP): It is a pleasure and a surprise to be called to speak before my hon. Friends. Previously, I have asked the Leader of the House about the budget for the National Audit Office and the possible Barnett consequential for Scotland, but he has still to get back to me. Last week, the Chairman of the Public Accounts Commission agreed that there should be Barnett consequential following that budget. May we have a statement telling us how much Scotland is going to get and when that will happen?

Mr Lidington: I would obviously like to see the response that the hon. Gentleman has had from the NAO about this, but I will do my best to provide him with a response.

Sir Desmond Swayne (New Forest West) (Con): Because the Prime Minister has been so clear, I do hope that the White Paper will not tell us anything that we do not already know.

Mr Lidington: I cannot promise that all colleagues will have followed the Government's various statements on our approach to EU exit with the assiduousness that my right hon. Friend has undoubtedly shown.

The Prime Minister has been very clear that, while we wish to provide clear statements about our objectives, it would not be in the national interest to set out our negotiating position in detail. That would be the most foolish step for any Government to take.

Mr David Winnick (Walsall North) (Lab): Arising from what has been said, should it not be made clear not only that the UK does not sanction torture, as stated yesterday, but that it will condemn its use by the United States if waterboarding is brought back? Would it not be absolutely wrong if this Government became an apologist for a totally bigoted and wrong-headed US President?

Mr Lidington: There is absolutely no question of this country endorsing or supporting torture. The rejection of torture is written into various international agreements to which we are party and has been integral to numerous statements on the subject by the Prime Minister, the Foreign Secretary and many other members of the Government.

Marcus Fysh (Yeovil) (Con): Can we have a debate on how the Government can do better to ensure that the prosperity agenda stemming from defence procurement is used to ensure that existing clusters of high-tech businesses in the south-west, such as in Yeovil, benefit from inward investment by large beneficiaries of UK Government spending such as Boeing?

Mr Lidington: My hon. Friend highlights some real opportunities for business to benefit from technology. One of the things that this country needs to improve is how we turn our inventiveness and technological expertise into commercial, job-creating opportunities. This may be a good opportunity for him to seek either an Adjournment debate or a Backbench Business Committee debate to pursue the matter further.

Paula Sherriff (Dewsbury) (Lab): Last week, I attended the wonderful Eastborough Junior Infant and Nursery School in my constituency. It now has a free breakfast club, which is attended by around 70 children each day. The club is provided and facilitated by Huddersfield Town football club with its charity partners. The club supports a number of schools in the district. May we have a debate on how we can encourage or, indeed, mandate other football clubs to do other types of community initiatives to support the community?

Mr Lidington: I cannot promise a debate in Government time, but I applaud the initiative that is taking place in the hon. Lady's constituency. There are many parts of the country in which local sports clubs and other voluntary organisations are supporting schools in comparable ways.

Sir Edward Leigh (Gainsborough) (Con): Some in this place can talk for Britain—not me, of course—but we can hardly complain that we are getting five days on a two-clause Bill, including until midnight on Tuesday. No more delay. The Bill is just implementing the will of the British people. But, just to put the icing on our cake—[*Interruption.*] If we get something, we should

always ask for something more. Can the Leader of the House confirm that he will try to avoid urgent statements on any of those days?

Mr Lidington: We will try not to have unnecessary statements, but obviously events happen and other business has to be presented to Parliament. That explains why we have said that, next Tuesday, Second Reading will continue until midnight. I am sure that hon. Members will have every opportunity to speak and make all the points they want to make during that debate.

Chris Leslie (Nottingham East) (Lab/Co-op): Does it not beggar belief that the Government are so afraid of proper debate that they have allocated only a pathetic three days to the Committee on the European Union (Notification of Withdrawal) Bill? That is less time than we had on the Lisbon treaty, on the Amsterdam treaty or on the Single European Act, and a tiny fraction—an eighth—of the time we had on the Maastricht treaty. Does it not speak volumes about the deficiency of the Government's plan that they are trying to gag Parliament in that way?

Mr Lidington: I have more respect for the hon. Gentleman than to think that that is anything more than synthetic rage. There is no comparison between previous Bills that sought to ratify EU treaties that had a direct impact on many different aspects of UK law and a two-clause Bill, of which a single clause is substantive, that is entirely about giving authority to the Prime Minister to trigger the article 50 process and begin negotiation.

Chris Davies (Brecon and Radnorshire) (Con): Last Friday, I had the great honour of attending Brecon barracks to help commemorate the 138th anniversary of the battle of Rorke's Drift, which was immortalised in the film "Zulu." With that in mind, can we have a debate on the importance of educating young people on the great history of our armed forces?

Mr Lidington: My hon. Friend draws attention to the deep connection between Brecon in his constituency and the 24th Regiment of Foot. I understand that the regimental museum of the Royal Welsh is at Brecon barracks, and I hope that the commemoration went well and that he will seek other parliamentary opportunities, such as an Adjournment debate, to highlight it further.

Tom Brake (Carshalton and Wallington) (LD): The Leader of the House would not want to constrain the debate on the article 50 Bill, so will he bring forward a money resolution to allow the widest possible range of amendments to be tabled?

Mr Lidington: I do not think that the Prime Minister needs any additional resources to trigger article 50 once the authority has been given.

Graham Evans (Weaver Vale) (Con): Will my right hon. Friend join me in welcoming today's growth figures? May we have a debate on the fundamental strength of the UK economy, which grew by 2% last year?

Mr Lidington: I would like to think that that good news on growth, which is also good news for jobs and living standards, would be welcomed right across the House. That achievement is a tribute to British industry and British workers.

Mr Chuka Umunna (Streatham) (Lab): The late Lord Hailsham, a former Conservative Lord Chancellor, described government in this country as an "elective dictatorship". This Government seem determined to prove him right with their timetabling of the EU withdrawal Bill. Whether Lord Hailsham was right or wrong, it was in the name of democracy that people campaigned for us to leave the European Union, so I repeat the question asked by my hon. Friend the Member for Nottingham East (Chris Leslie): why are this Government trying to muzzle the voices of people in Parliament with their timetabling of the Bill?

Mr Lidington: Five allotted days can hardly be described as muzzling. The House voted both for the people to take the decision and for the March timetable for the triggering of article 50. The Bill's passage through Parliament is intended to ensure that the House's wishes can be delivered.

Mr Andrew Turner (Isle of Wight) (Con): One of my constituents will appear in the Supreme Court next week because the Department for Education wants judges to interpret the word "regular" in relation to school attendance. If the Government win the case, the law will retrospectively criminalise the actions of tens of thousands of parents. If the law needs to be changed, it should come before Parliament for proper debate and scrutiny. Will the Leader of the House encourage the Secretary of State for Education to make a statement on the situation?

Mr Lidington: My hon. Friend will understand that it would be inappropriate for either the Secretary of State or me to comment on this case when it is currently before the courts. The Department requested permission to intervene in the Supreme Court, supporting the local authority, because following the lower court's decision we need clarity on what the law actually means before we can take any policy decisions that may be necessary.

Roger Mullin (Kirkcaldy and Cowdenbeath) (SNP): Last week, the Department for Business, Energy and Industrial Strategy announced a major review of limited liability partnerships and their association with international criminal activity. On Monday, however, the Treasury brought forward a legislative reform order to the Regulatory Reform Committee seeking the formation of a new type of limited partnership with even fewer controls. May we have a debate on the use of LROs?

Mr Lidington: As the hon. Gentleman will know, limited liability partnerships have a genuine purpose in Scotland and, as I understand it, have existed for a long time in Scottish law. However, as he says, there have been serious allegations and evidence that the status has been abused, which is why the inquiry is happening. If the inquiry concludes that changes in the law are necessary, the Government will clearly want to consider them quickly but carefully.

Anna Soubry (Broxtowe) (Con): It seems as though Labour Back-Bench Members are seeking to oppose the Government's programme motion for the article 50 Bill, but has the Leader of the House received representations from Labour's Front-Bench team to indicate that they are similarly seeking to oppose it?

Mr Lidington: It is not for me to disclose on the Floor of the House conversations that may have happened through the usual channels. However, there have been numerous, and often contradictory, messages in public about the approach that the Opposition plan to take.

Diana Johnson (Kingston upon Hull North) (Lab): Hull has had an excellent start as the UK's city of culture, with nearly 350,000 people attending in the first week, and I hope that you, Mr Speaker, might be able to attend during the course of 2017. Many of those visitors arrive through the railway station, so imagine my surprise when I learned that TransPennine Express, which operates the station, has decided to close the waiting room and toilets at 7 pm due to antisocial behaviour. After the three Hull MPs made representations, the operator said that the facilities will be kept open until 9 pm, but only if there is no more antisocial behaviour. May we have a debate about when we decided that jobs could dictate what facilities passengers and members of the public can use? This would not happen anywhere else in the country.

Mr Lidington: First, may I congratulate the city of Hull on its first weeks as the city of culture? I hope that many hon. Members from both sides of the House are able to go there this year. I remember visiting city hall the last time I went and being hugely impressed by the architecture and the sense of civic pride in Hull.

On the particular question about antisocial behaviour, I have a lot of sympathy with what the hon. Lady says. I very much hope that the franchise holder, the local police and the local authority can work together to find an effective solution, so that those facilities can remain open when tourists will want to use them.

Ben Howlett (Bath) (Con): I welcome the Government's commitment this week to publishing a White Paper, and thank my right hon. Friend for his work in enabling that to happen. Will he outline what discussions he has had to enable debates in the House, and particularly in the Chamber? What will the timescales be to allow my constituents' views to be heard in parliamentary time?

Mr Lidington: Obviously, there will be opportunities to debate the Bill that has been published today, although it is pretty narrow in scope. The Government have said we will introduce the repeal Bill fairly rapidly after the Queen's Speech later this year, and there will continue to be general debates on various aspects of our departure from the EU that will provide opportunities for issues discussed in the White Paper and elsewhere to be raised in full.

Vernon Coaker (Gedling) (Lab): Notwithstanding the importance of issues such as Brexit, will the Leader of the House consider how we ensure that other legislation receives the prominence it deserves? Yesterday was a historic day for this Parliament, with the passing of the gender pay gap regulations, which will force large companies with more than 250 employees to publish their gender pay gap information. That sort of legislation also deserves prominence, so will he consider how we provide it?

Mr Lidington: I am very happy to consider that, because I think we would all wish to see much greater public knowledge and understanding of the things that

go on in Parliament that perhaps do not happen at prime time and grab the headlines. The regulations the hon. Gentleman spoke of are a good example of that, and were on an issue that commanded considerable consensus on both sides of the House.

Tom Pursglove (Corby) (Con): Last week, residents in Oundle suffered from a gas issue that meant the town was disconnected from the network for a considerable length of time. Along with National Grid and Western Power working around the clock to put it right, the community rallied round to protect and look after vulnerable and elderly people. Will the Leader of the House join me in thanking them for all their efforts on the ground in Oundle, and may we have a debate next week on getting emergency planning right?

Mr Lidington: I cannot promise a debate next week, given the other business we have to deal with, but perhaps that is Adjournment debate territory. I unhesitatingly both thank and congratulate the statutory services and individual constituents in Oundle on what they managed to do.

Chris Stephens (Glasgow South West) (SNP): May we have a debate in Government time and a statement on cuts to Equality and Human Rights Commission funding? With hate crime on the increase, does the Leader of the House appreciate that many hon. Members believe that those cuts send the wrong message to women, the black and minority ethnic community and those who suffer from disabilities?

Mr Lidington: Because of the need to bring the public finances under control, all parts of the public sector are having to face difficult decisions about spending. I point the hon. Gentleman towards Women and Equalities questions on Thursday 2 February, when he will have the opportunity to raise that matter with Ministers.

Mike Gapes (Ilford South) (Lab/Co-op): The Leader of the House and I were both first elected in 1992, and he will recall the many, many days we spent on the Maastricht treaty. Will he tell the House how much consideration he has given to previous debates on such matters, not only in '92 but in the 1970s, when we joined the European Union? What discussions were there at that time and what consideration was given to what the Opposition parties said then, compared with now?

Mr Lidington: If I am honest, any of us who came into the House in 1992 would probably not look back at those debates on the Maastricht treaty as the greatest moment of glory for the House of Commons, and they are not something that we necessarily want to put more recently arrived colleagues through. Given the very narrow scope of the Bill that is being published today, the five days that we have announced and the substantial amount of additional time, particularly on Second Reading, Parliament has plenty of opportunity to have a debate on this matter in full.

Ian Blackford (Ross, Skye and Lochaber) (SNP): Next Monday, we will be discussing the Pension Schemes Bill—a missed opportunity for this Government to deal with the issue raised by Women Against State Pension Inequality. In the light of the 245 MPs who have lodged

petitions on behalf of their constituents and in the light of the vote that took place in this Chamber on 1 December, when this House agreed that we had not discussed the WASPI issue, will this Government bring forward a debate and ensure that they introduce proposals that deal with the women who are suffering?

Mr Lidington: The coalition did commit more than £1 billion to lessen the impact on those who were the worst affected by the change in pension age. No one will see their pension age change by more than 18 months. Those who face the largest increase in the state pension age received at least seven years' notice. However, we must also be realistic about the fact that people are living longer and that, if we are going to equalise the state pension age, we need to raise the state pension age both for men and women. The cost of reversing the Pensions Act 2011 would be more than £30 billion.

Nick Smith (Blaenau Gwent) (Lab): In Blaenau Gwent, the air is fresh and pure. However, walking around this week, the air in London is putrid. Can we have a statement on air quality and the impact of diesel emissions? The Government need better to protect the public health of their people.

Mr Lidington: Improving air quality is a priority for the Government and in particular for the Secretary of State for Environment, Food and Rural Affairs. Our plans have always followed the best available evidence, but we are ready to update those if necessary. We have been at the forefront of action in Europe to make sure that there is more accurate real-world emissions testing of diesel cars in particular. I can point the hon. Gentleman to the green transport initiative and to plans to introduce clean air zones around the country. There is no instant solution to this problem, but it continues to be a Government priority.

Christian Matheson (City of Chester) (Lab): Transport Ministers have confirmed that residents in Cheshire West and Chester will not qualify for reduced tolls on the new Mersey crossing, which completely contradicts the promises made immediately before the last general election by the then Chancellor, the right hon. Member for Tatton (Mr Osborne). Can we have a debate on car tolls so that the Government can explain why they have broken their promises to my constituents?

Mr Lidington: I cannot promise a debate in Government time. This may be an Adjournment debate opportunity, but I will ask the relevant Minister to contact the hon. Gentleman about his point.

Ms Tasmina Ahmed-Sheikh (Ochil and South Perthshire) (SNP): The Clydesdale Bank's decision to close 40 branches in Scotland, with the highly regrettable loss of 200 jobs, will have a particular impact on my constituents in Clackmannanshire, who will be left without a single local bank branch. Can we have a debate about the importance of local bank branches to local communities, so that we can send a strong signal to banks, including the Clydesdale, about the negative impact these closures have on local communities and economies?

Mr Lidington: That may be something that the hon. Lady will want to raise by way of an Adjournment debate, or a Backbench Business debate on the issue more generically, but I understand the plight that some

of her constituents are facing. It is incumbent on the big retail banks to reflect very carefully on this, particularly before closing the last banking outlet in a community.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Will the Leader of the House do me a favour and stop suggesting that those on the Opposition Benches—and also on the Government Benches—who believe passionately that the scrutiny of this European Bill should be thorough are trying to overturn the popular vote on the referendum? He knows that is not the case. Will he please be honest about it?

Mr Lidington: As well as voting for the referendum, this House also voted for the Prime Minister to trigger article 50 before the end of March 2017. Because of the Supreme Court judgment, it is necessary for a Bill to go through all its legislative stages in both Houses for the wish of the House, in respect of the timetable, to be met. The five days that we have allotted will give ample opportunity for that narrow issue to be adequately debated.

Sir Kevin Barron (Rother Valley) (Lab): May we have a statement next week on High Speed 2 in south Yorkshire? HS2 has had a consultation on a station at Sheffield Meadowhall, which has plenty of support in south Yorkshire but there is no consensus. Consequently, it is currently consulting on the M18 eastern re-route through south Yorkshire. We learnt this week that it is now looking at eight sites along that re-route for a parkway station, but none of them is out for public consultation. Can we ensure that we have a good return for public money? It is wasting money hand over fist.

Mr Lidington: I will report to the Minister with direct responsibility for HS2 the point that the right hon. Gentleman has made. Like you, Mr Speaker, I have some constituency experience of wrestling with HS2. It is important that his constituents get clear answers and are able to make strong representations.

Wes Streeting (Ilford North) (Lab): In January last year, a group of MPs invited trade union leaders to address a meeting in Parliament. It has since emerged that the meeting was secretly recorded without the knowledge of the speakers or the event's organisers. Given that MPs of all parties hold meetings on the parliamentary estate, I would be grateful if the Leader of the House could clarify the rules on third parties recording meetings without consent and give me his view on whether those rules might have been breached.

Mr Lidington: I am very concerned by what the hon. Gentleman says. If he lets me have the full details, I will investigate the matter as quickly as possible.

Conor McGinn (St Helens North) (Lab): The Prime Minister has indicated that Parliament will vote on the terms of a final Brexit deal, but what if there is no deal? Will there be a reference back to this House and a vote on whether we leave the EU on no terms?

Mr Lidington: The decision to leave the EU was taken in the referendum. The House knows where I stood on the referendum, but as democrats we have to accept the outcome. As the Prime Minister said yesterday, if there is no deal under the terms specified in article 50, we will have to fall back on other arrangements.

Alex Salmond (Gordon) (SNP): The Scottish National party will most certainly oppose what is quite a disgraceful programme motion. Can we get this straight: will the White Paper setting out the Government's position, authorising an irrevocable step in the greatest constitutional change in this country for 50 years, be published before the Bill's Committee stage, and if not, why not?

Mr Lidington: As I said a few moments ago, I hope that we can publish the White Paper as soon as possible. The other point that I will make to the right hon. Gentleman is that the authorisation for our departure from the European Union was given by a referendum of all people of the United Kingdom. Some of us like that decision and some of us do not, but it was a democratic decision that the electorate were entitled to make.

Chris Bryant (Rhondda) (Lab): After 22 weeks there is still no date for the restoration and renewal debate. Has the Leader of the House turned into Oscar Wilde, who said, "Never put off till tomorrow what could possibly be done the day after," or Ellen DeGeneres, who said, "Procrastinate now; don't put it off"? Or does he seriously think that we can just carry on like this and hope that somehow we will muddle through? He will say that we will have the debate someday, but someday is not a day of the week.

Mr Lidington: The hon. Gentleman makes his point forcefully, as he did during the debate in Westminster Hall earlier this week. He will know from the business that faces us over the next two weeks that it has not been possible to schedule the debate on restoration and renewal then. I hope that we will be able to identify a date as soon as possible.

Danny Kinahan (South Antrim) (UUP): The Leader of the House will be aware of the controversy in Northern Ireland surrounding the renewable heat incentive and the many millions of pounds that have been lost. A month ago a colleague of mine sought information from two Whitehall Departments through a freedom of information request. This week he received a letter from both stating that too much work was needed to get the information, so he has submitted the questions again. Can the Leader of the House guarantee that no politics will be played, and that the information will be found and that it will come out?

Mr Lidington: The deadlines set under the Freedom of Information Act 2000 are of course a matter of law, not a matter of discretion for Ministers or officials. Ministers here do not have any direct authority over the devolved Departments within Northern Ireland, but I certainly hope that any Whitehall Department would respond well within the timeframe specified in the freedom of information legislation.

Paul Flynn (Newport West) (Lab): We all wish the Prime Minister well in her work to increase exports, but is it not time for us to debate the relationship between this country and a President who, since his inauguration, has behaved like a petulant child, out to destroy the highest achievements of his predecessors? A new age is promised between Trump and the United Kingdom. Is there not a danger that that will be a new dark age?

Mr Lidington: Mr Trump has been elected by the people of the United States under their democratic constitution. Under Conservative and Labour Governments alike, it has rightly been a national priority in terms of our security interests, our geopolitical interests and our interests in prosperity and trade to forge as close as possible a partnership with and an understanding of a new American Administration. That has to be in the interests of the people whom we represent and that is what the Prime Minister will seek to do in Washington.

Derek Twigg (Halton) (Lab): Further to the point made by my hon. Friend the Member for City of Chester (Christian Matheson), can we have an urgent debate to discuss the Government reneging on their promise to provide special help on tolls for small businesses in Halton when the new Mersey gateway bridge is opened? That is the second time they have reneged on something. The decision was announced by the then Chancellor, the right hon. Member for Tatton (Mr Osborne), on 23 April 2015. Can we have an urgent debate to find out why the Government are again refusing to honour their commitments?

Mr Lidington: There are questions to the Secretary of State for Business, Energy and Industrial Strategy next Tuesday, 31 January, which will provide the hon. Gentleman with such an opportunity. If I may, I will look into the point he raises alongside the point raised earlier by the hon. Member for City of Chester (Christian Matheson).

Jim Shannon (Strangford) (DUP): Given the decline and the abuse of civil liberties and human rights under Prime Minister Najib in Malaysia over the last few months, particularly with the arrest of Maria Chin Abdullah and Secretary Mandeep Singh of Bersih, which is a coalition of non-governmental organisations calling for free and fair elections, will the Leader of the House agree to a statement on the matter—or, better still, a debate?

Mr Lidington: As so often, the hon. Gentleman is pursuing his interest in human rights in all parts of the world. I cannot offer an immediate statement in Government time, but I will ask the appropriate Minister to write to him.

Nick Thomas-Symonds (Torfaen) (Lab): Gwent Music is a local authority music service that provides wonderful opportunities to young people in my constituency, including, I should say, my own daughter. Can we have a debate on the importance of affordable music lessons in our schools all over the country?

Mr Lidington: I recognise and sympathise with the underlying point that the hon. Gentleman is making. That will turn on decisions made not just by the UK Government, but by the Welsh Government and Welsh Assembly, local authorities and individual schools about their priorities. I would very much hope that ways can continue to be found to maintain those standards of excellence and opportunity for people wanting to pursue music in Gwent.

Kevin Brennan (Cardiff West) (Lab): Will the Leader of the House give us an absolute guarantee that the unelected House of Lords will not have more time to debate the Brexit article 50 Bill than the elected House of Commons?

Mr Lidington: Under the Parliament Acts, the House of Commons will have the final say, as on practically all legislation. As is always the case, the House of Lords has its own procedures. It is not in the gift of the Government to set down what time for debate there will be in the House of Lords on any Bill.

Jeff Smith (Manchester, Withington) (Lab) *rose*—

Madam Deputy Speaker (Mrs Eleanor Laing): And the prize for patience goes to Jeff Smith.

Jeff Smith: Thank you, Madam Deputy Speaker.

Madam Deputy Speaker: And I wish the hon. Gentleman a happy birthday.

Jeff Smith: Thank you also for that, Madam Deputy Speaker—I am grateful.

It is quite right, of course, that other parliamentary business should be shelved over the next couple of weeks so that we can debate article 50, and that includes the Bus Services Bill. In Manchester, we have been demanding London-style bus franchising powers for many years. We can wait a little longer, but may I encourage the Leader of the House to reschedule the Bus Services Bill as soon as possible after the recess so that Manchester can properly manage its transport network?

Mr Lidington: This may be an inadequate birthday present, but I will do my best to deliver what the hon. Gentleman wants.

Points of Order

12.5 pm

Alex Salmond (Gordon) (SNP): On a point of order, Madam Deputy Speaker. I am glad the Brexit Secretary is here for his moment of history, but perhaps I could just detain him a second. During Brexit questions, he quoted my successor as First Minister—Nicola Sturgeon—somehow suggesting she wanted to deprive 160,000 European citizens of their right of residence in Scotland. By the wonders of modern technology, I have traced the original quote from July 2014. In fact, Ms Sturgeon was arguing exactly the opposite: that their right of residence was one of the reasons why Scotland would remain, as an independent country, a member of the European Union. I know the Brexit Secretary well—he is a decent and honourable man—but I found that another Minister used the same smear last October, so I am bound to conclude that some teenage scribblers in his Department are feeding out misleading information to hapless Ministers, who are then repeating it to the House. I am sure the Brexit Secretary—perhaps even before he has his moment of history—will want to correct the record.

Madam Deputy Speaker: Further to that point of order, I call Mr Secretary Davis.

The Secretary of State for Exiting the European Union (Mr David Davis): Further to that point of order, Madam Deputy Speaker. Of course, if I am wrong, I apologise. I will send the right hon. Gentleman the quote that I gave from *The Scotsman* at that time.

Chris Bryant (Rhondda) (Lab): On a point of order, Madam Deputy Speaker.

Madam Deputy Speaker: Is it a separate point of order?

Chris Bryant: Yes.

Madam Deputy Speaker: I will first answer the point of order from the right hon. Member for Gordon (Alex Salmond), which, as he and the House know, was not a point of order. The right hon. Gentleman sought, in his usual rhetorical way, to set the record straight. The Secretary of State has responded adequately to the point raised by the right hon. Gentleman, and I hope that honour is satisfied on all sides. A point of order—Mr Bryant.

Chris Bryant: And this one is a point of order, Madam Deputy Speaker. As you know, when a Minister makes a statement to the House, a printed copy is circulated around the Chamber the moment they sit down by the Doorkeepers. That is very useful for many Members—we can check exactly what the Minister has said, in case we slightly misheard something. The one time we do not do that is for the business statement. Now, I admit that it is a business question, so it is slightly different, but would it not be for the convenience of the House if, the moment the Leader of the House finished announcing the forthcoming business, it was circulated around the House for all hon. Members?

Madam Deputy Speaker: The hon. Gentleman raises an interesting point of administration, and it might be that the Leader of the House would like to say something further to the point of order.

The Leader of the House of Commons (Mr David Lidington): Further to that point of order, Madam Deputy Speaker. I completely concede that it is a perfectly reasonable request, and I will make sure that that happens.

Madam Deputy Speaker: Once again, that was not a point of order for the Chair, but we are having a very well-balanced session of points of order.

Sir Desmond Swayne (New Forest West) (Con): It gets better, Madam Deputy Speaker.

Madam Deputy Speaker: As the right hon. Gentleman says, it gets better. Would he care to make a point of order?

Sir Desmond Swayne *indicated dissent.*

Madam Deputy Speaker: No? This seems a good point for requests to Ministers, as we seem to be having a 100% record of having requests fulfilled. That was not a point of order for the Chair, so we will move on.

BILL PRESENTED

EUROPEAN UNION (NOTIFICATION OF WITHDRAWAL) BILL

Presentation and First Reading (Standing Order No. 57)

Mr Secretary Davis, supported by the Prime Minister, Mr Chancellor of the Exchequer, Secretary Boris Johnson, Secretary David Mundell, Secretary Alun Cairns, Secretary James Brokenshire, Ben Gummer and the Attorney General, presented a Bill to confer power on the Prime Minister to notify, under Article 50(2) of the Treaty on European Union, the United Kingdom's intention to withdraw from the EU.

Bill read the First time; to be read a Second time tomorrow, and to be printed (Bill 132) with explanatory notes (Bill 132-EN).

Backbench Business

Statutory Pubs Code and Pubs Code Adjudicator

12.9 pm

Greg Mulholland (Leeds North West) (LD): I beg to move,

That this House welcomes the Pubs Code established in July 2016 to deliver a fairer relationship between large tied pub companies and their licensees and to deliver the principle that the tied licensee should be no worse off than a free-of-tie licensee, introducing a Market Rent Only option for tenants, the right in certain circumstances to have an independent free-of-tie rent assessment and to pay only that sum; is dismayed that pub companies are thwarting the Code and are routinely flouting Regulation 50 that tenants who exercise, or attempt to exercise, their rights under the Code should not suffer any detriment; notes that this includes refusing to allow deeds of variation to leases, forcing tenants wanting to pursue the Market Rent Only option to agree a new lease on unfavourable terms; believes that fees being proposed for independent assessors are wholly unreasonable and that unfair additional charges are being demanded which make it unviable to pursue the Market Rent Only option; expresses strong concern that the Pubs Code Adjudicator (PCA), Paul Newby, who holds shares in, and has loans to Fleurets, which derives substantial income from the regulated pubcos, is failing to stop these practices or uphold the Code; calls on the Government to ensure that the Code works as intended and to accept the recommendation of the former Business, Innovation and Skills Committee to reopen the appointment process for the PCA; further notes that the Code does not apply in Scotland; and urges parity for Scottish tenants.

I thank the Backbench Business Committee for granting the time for this important debate. I thank the hon. Members for Hartlepool (Mr Wright) and for Warwick and Leamington (Chris White), who are, with me, lead Members on the debate. The hon. Member for Hartlepool is the Chair of the Business, Energy and Industrial Strategy Committee, and I pay tribute to all the work it has done on this. The hon. Member for Warwick and Leamington, who is also a member of the Committee, has seen at first hand how pubcos are thwarting tenants in exercising their rights under the pubs code, and the failure of the Pubs Code Adjudicator to address this. I must declare my interest as the chair of the British Pub Confederation, which represents the vast majority of tenants' organisations in the pubs sector, and pub campaigners as well.

It is now six months since the start of the statutory pubs code—the anniversary was 21 January. I wish to make it clear to the House that I did not want to have to call this debate and to bring to the House what I have to bring today. More than anyone, perhaps apart from the beleaguered pubco licensees, I wanted this issue solved. I wanted the unfair business model operated by the pub companies, and all the tales of abuses detailed by the Select Committee and others, to be a thing of the past, but that will not happen, I am afraid, unless the pubs code is working and being enforced by the adjudicator, and that is currently not the case.

Let me say at the outset that the pubs code must work as intended: it is the law. At the moment, pubcos are flouting the code to prevent tenants from being able to access the market rent only option. That is thwarting the will of Parliament and of the Government, who laid out how the code should work—and, of course, it is causing a great deal of stress to tenants.

Sir Oliver Letwin (West Dorset) (Con): Does the hon. Gentleman agree that it is no surprise that the pubcos are doing their utmost to thwart the market rent only provisions—that is to be expected—but it is a surprise that the adjudicator appears to have conceived of his position as being that of a kind of private arbitrator and not what we in this House set him up as—a judge who enforces the law?

Greg Mulholland: I warmly welcome the right hon. Gentleman and thank him for his intervention. He has looked at this issue with great thoroughness and intellect, and he is absolutely correct in his assessment.

Nick Thomas-Symonds (Torfaen) (Lab): Does the hon. Gentleman agree that the real issue is that the adjudicator needs to have the confidence of all parties involved, and that does not seem to be the case at the moment?

Greg Mulholland: The hon. Gentleman is absolutely right. It is simply not acceptable to have ignored the fact that the majority of tenants' organisations rejected the adjudicator and do not have confidence in him, and then to have rejected the recommendation from the cross-party Select Committee to replace Mr Newby and reopen the process.

In the course of my speech I will present evidence from the numerous cases that have been taken to the adjudicator. I pay tribute to the organisations representing tenants that have supplied that evidence, including the Pubs Advisory Service, the Guild of Master Victuallers, the Forum of Private Business, Licensees Supporting Licensees, the Punch Tenant Network, and Justice for Licensees. That has led to the British Pub Confederation report, which has 19 detailed pages all based on direct evidence from instances where tenants have sought to secure their legal rights under the pubs code by taking their case to the adjudicator.

So what has the Pubs Code Adjudicator produced after six months? A two-page press release. Worse than that, this press release—this glib statement—from the adjudicator's office is not an honest description of the situation. It provides unexplained and meaningless data while failing to deal with, or even mention, any of the big issues facing tenants. The adjudicator ignores the ways in which the regulated pubcos are systematically breaching the code, covering up his own failures to uphold and enforce it. In effect—this goes back to the point made by the right hon. Member for West Dorset (Sir Oliver Letwin)—he admits his failure both to enforce the pubs code and to understand the real role of the Pubs Code Adjudicator. The statement makes no mention of the myriad complaints about pubco behaviour; no mention of the many complaints about the adjudicator from tenants and their representatives who have approached him; no mention of the cases where tenants are giving up and giving in because of the failure of the code and his office; and, extraordinarily, no mention of the key issues of complaint and concern on which people are seeking clarification, including the systematic ways in which pubcos are insisting that the market rent only option requires a new lease, often on detrimental terms—a clear breach of the pubs code.

Kate Green (Stretford and Urmston) (Lab): Does the hon. Gentleman agree that the whole point of the pubs adjudicator was to even up an inequality of arms between

a single tenant—a sole trader, in effect—or a family business, on the one hand, and very large and powerful chains on the other, and that the lack of equal access to justice or advice for tenants is causing great problems?

Greg Mulholland: The hon. Lady is absolutely right. I am afraid that the intention is not the reality, and that is why this House and the Government must take action.

Chris White (Warwick and Leamington) (Con): As the hon. Gentleman mentioned, I have seen some of these things at first hand, and it has been an unsatisfactory experience. I would like to share with the House the following quote from a pubco:

“Moving to a Market Rent Only commercial free of tie lease agreement, means larger upfront payments and the loss of our award-winning, business-friendly services and support, aside from business insurance.”

Without naming the pubco or the pub involved, does he agree that this could be interpreted as threatening, and is not a business-friendly approach at all?

Greg Mulholland: The hon. Gentleman is absolutely right. I welcome the support that he is giving to his publican constituents. I have that quote in my speech.

Let me remind right hon. and hon. Members that the pubs code and the adjudicator were introduced in the Small Business, Enterprise and Employment Act 2015. The code came into force last year. It applies only to businesses owning 500 or more tied pubs in England and Wales, of which there are six, and governs their relationship with their tied pubs. The quasi-judicial statutory Pubs Code Adjudicator was created to uphold and enforce the pubs code so that it is properly implemented, and to act as an impartial arbiter when there are disputes on certain issues.

I wish to praise the current Government and the civil servants in the Department—formerly Business, Enterprise and Skills, now Business, Energy and Industrial Strategy—for their very hard and diligent work in bringing through the pubs code, which is a strong, clear document. At this stage, six months in, Ministers and civil servants should not have to intervene given that the adjudicator's role, as laid down in primary and secondary legislation, is to implement and enforce the code. The role of Ministers should now be to oversee and scrutinise that activity, but I am afraid that they now have to intervene because the Pubs Code Adjudicator is not doing the job as laid down in the pubs code and in the law.

Regulation 50 of the pubs code specifically states:

“A pub-owning business must not subject a tied pub tenant to any detriment on the ground that the tenant exercises, or attempts to exercise, any right under these Regulations.”

This regulation is being routinely ignored and flouted by pub companies. Let me give some examples.

Pub companies are refusing to allow a simple deed of variation to leases if tenants suggest that they want to exercise their right to a market rent only option. This forces them to accept a new lease, which is offered only on unfavourable and clearly detrimental terms, clearly flouting regulation 50. Enterprise Inns is doing this systematically and then telling tenants that they will have to go to arbitration over what is clearly not an arbitration matter but a legal breach of the code's regulation.

Tenants seeking the market rent only option are being presented with unreasonable charges and terms by pubcos, making it unviable to take or even pursue

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the option—for example, unreasonable and unaffordable demands for up-front, quarterly payments of rent, or unjustifiable and excessive dilapidations charges. Pubcos are also, as the hon. Member for Warwick and Leamington said, presenting so-called free-of-tie offers, sometimes calling them MRO offers as though they were the same thing as the market rent only option, which they are not; they are deliberately confusing the two. I remind the House that the market rent only option gives the tenant the right to an independent assessment of the market rent, and the right then to take the option on an existing lease with no other changes to the lease or the terms. Yet pubcos are insisting on shorter leases on detrimental terms, clearly breaching the pubs code. In addition, I can tell the House that that document being given to tenants is a Punch document.

Brigid Simmonds, the chief executive of the British Beer and Pub Association—the trade association of the pubcos—has said that it is “inevitable” that free-of-tie agreements would have

“terms that more closely reflect commercial rental agreements elsewhere in the marketplace”.

With the market rent only option, that is not allowed; it constitutes detriment. The lease has to continue on a free-of-tie basis, with the payment of independently assessed rent.

One thing that is putting people off is the fees proposed by assessors for carrying out that independent assessment. I have been sent a document from a surveyor that suggests that the fee can be up to £6,000. Under self-regulation, the maximum fee was £4,000, which was split into a maximum of £2,000 for the tenant and a maximum of £2,000 for the pub company. That was transparent and fair, unlike what the Royal Institution of Chartered Surveyors is presenting. Who is a member of the Royal Institution of Chartered Surveyors? Mr Paul Newby, the Pubs Code Adjudicator. It is a clear case of jobs for the boys, because the people demanding those unjustifiable and excessive fees are his former colleagues, associates and friends. I have to say to the Minister that that shows us again why a surveyor was a wholly inappropriate choice to be the adjudicator.

Pub companies are confusing and misleading tenants so that they miss their trigger point—the very limited window in which they can seek to take the market rent only option. Pub companies are putting pressure on tenants by sometimes bribing and sometimes bullying them into signing on the dotted line, so that they stay tied and do not have the chance to exercise their rights.

Returning to the adjudicator, I remind the House that Paul Newby, the director of pub estate agents and surveyors Fleurets, was appointed as Pubs Code Adjudicator and started work in March 2016, despite the majority of tenants’ groups objecting to his appointment, and despite the fact that he had ongoing financial links to the pubcos that he is supposed to regulate. Mr Newby failed properly to declare the conflict of interest when he applied for the role. As well as being a former director, which he did declare, he astonishingly—and completely unacceptably for someone in a quasi-judicial role—retains shares in Fleurets and has outstanding loans of more than £200,000 to it, with a repayment agreement that is set to last until 2023. That information had to be dragged out of him, and he published it only

in December. Just to be clear, Fleurets declares that 20% to 23%—a fifth or more of its income—comes from the regulated pubcos.

To make matters worse, Mr Newby has been allowed to construct his own conflict of interest policy, and—surprise, surprise—it falls well below the industry standard for such documents. Surprisingly, it even falls well below the standards of his own professional body, the Royal Institution of Chartered Surveyors. The conflict of interest policy should be similar to that of the Groceries Code Adjudicator, but, unlike the GCA, the Pubs Code Adjudicator has chosen to publish a separate register of interests, along with an explanation of how his conflict of interest policy will be applied in relation to the register and, specifically, to his own conflict of interest. Mr Newby is setting his own rules to avoid having to disclose fully his conflicts of interest when he takes on cases.

The Select Committee was clear in July 2016 that not only was Mr Newby evasive, but he could not command the necessary confidence of pub tenants, and the appointments process should be reopened. Mr Newby also misled the Select Committee on important points, and has not responded properly to letters asking him for an explanation.

To return to the key point that the right hon. Member for West Dorset made, Mr Newby is the adjudicator, and his job is to uphold and enforce the pubs code. The Government state on the website:

“The Pubs Code Adjudicator (PCA) is responsible for enforcing the statutory Pubs Code.”

He is failing to act as an adjudicator; he is refusing to make rulings on important, basic matters such as the deed and variation versus new lease issue; and he is failing to uphold, never mind enforce, the code. Does he not understand the role—does he not properly understand the code and the legislation—or is this a deliberate attempt to undermine the whole statutory code, as many tenants now fear? The case-by-case approach that he is taking means that there will be no opportunity to look at many of the issues being raised repeatedly by tenants about the way in which pubcos are trying systematically to flout and thwart the code.

Toby Perkins (Chesterfield) (Lab): I congratulate the hon. Gentleman on his campaigning on this issue over many years, and on securing the debate. What he is saying about the motives for the delay may well be true, but the feedback that I am getting is that the entire industry is frustrated about the failure to make any adjudications. The entire industry will benefit from the certainty that will come from the adjudicator’s getting on and making some decisions, and providing clarification on many of the important points that the hon. Gentleman is raising.

Greg Mulholland: I know that the hon. Gentleman had a meeting with Mr Newby the other day, and I would be interested to know what was said. I issue a word of caution to the hon. Gentleman to be careful who he listens to, and to listen to the licensees who are concerned about the cases being brought before the adjudicator.

The hon. Gentleman is right when he says that Mr Newby must make rulings. His job is not to horse-trade behind closed doors or to muddy the waters; he needs to

provide clear guidance on what the code means and deal with breaches. The hon. Gentleman is right that tenants and pubcos need clarity, which Mr Newby is not providing. Let us be clear that his refusal to step in and stop those breaches, or to make general rulings on certain points, amounts to a refusal to perform his important statutory role. That is simply not acceptable.

The most extraordinary thing that I want to set before the House is the fact that Mr Paul Newby, in his role as Pubs Code Adjudicator, has breached the very pubs code that it is his statutory duty to enforce. Extraordinarily, he has breached regulation 38 of the code, which states that if a pubco and tenant cannot agree on the appointment of an independent assessor, the adjudicator

“must, within 14 days of the notification...appoint an assessor”.

Rather than doing so—that is clearly an important part of his role and laid down in legislation—he is passing that duty on to his colleagues in the Royal Institution of Chartered Surveyors dispute resolution service, who are demanding a fee. They have no right to do that; it is not in the pubs code, which the adjudicator has no right to ignore. That has been raised by the Pubs Advisory Service, which made a complaint because tenants were being charged the £250 fee. Mr Newby has said that tenants will no longer be charged, and that those who have been charged will be refunded, but he let that happen. He says that the fee will still be charged but will be paid from levies.

During the very strange period in which Mr Newby wrongly and illegally delegated his duty to appoint an independent assessor, RICS—with the adjudicator’s knowledge—appointed a surveyor called Barry Voysey for a tenant in a Punch rent case, even though Mr Voysey was acting at the same time for Punch Taverns in another rent case. The tenant was appalled at the obvious conflict of interest and refused to accept Mr Voysey or to pay his up-front invoices. The appointment of Mr Voysey breached RICS guidelines—it is defined as a red non-waivable conflict—but it happened under the nose of, and with the knowledge of, the Pubs Code Adjudicator, Mr Paul Newby, who is a member of RICS.

I want to refer to a couple more issues that are of importance to the House. The first is the proposed Heineken takeover of 1,900 of Punch Taverns’ pubs. That is of great concern to Punch licensees and is opposed by the Punch Tenant Network and the Scottish Licensed Trade Association. Star Pubs and Bars, which is owned by Heineken, has 1,100 pubs, so we would be talking about a pub company with 3,000 pubs.

It is clear—this is a worrying competition issue—that Heineken seeks to take over Punch so that it can insist on many more pubs stocking its product rather than that of its competitors. The Heineken bid document states that the company intends to

“improve visibility and increase sales of Heineken brands in high-quality pubs”.

It is clearly a bid to gain market share through the acquisition of pubs, which would, as people have said, create a monster tie and make it much harder for brewers of all sizes to get their products into pubs—that remains an issue.

It is surely time to look again at the maximum number of pubs that a brewery can own, to stop this sort of market dominance, and consider placing a limit

on the number of pubs that can be owned by any company—unlike the flawed beer orders. They were flawed because Ministers caved in to lobbying from big brewers and agreed to the loophole that allowed the huge, non-brewing pubcos to emerge, dominate and create their own unfair model; and here we are today.

In relation to the role of the adjudicator, the concern is that Heineken will seek to force Punch tenants to stock only its products—despite the discussions, there is nothing in the code that says it is allowed to do so—but the adjudicator has so far refused to clarify that simple point, which is within his remit. This lack of clarity means that brewers may be able to use the current confusion to threaten legal challenges that could again be seen as putting off discussion of tenants’ rights under the code.

I must mention Scotland, which is just as important as England and Wales to the British Pub Confederation. The Scottish Licensed Trade Association, which is a member of the British Pub Confederation, does a lot of wonderful work in Scotland. Like the British Pub Confederation, the Scottish Licensed Trade Association supports having the same rights for Scottish licensees tied to pub companies. We have the absurd situation that people tied to the same company have certain rights on one side of the border, but a mile away across the border in Scotland, have none of those rights. Those rights should be extended to Scotland, and I look forward to hearing the comments of the hon. Member for Dumfries and Galloway (Richard Arkless), who will speak for the Scottish National party.

Toby Perkins: That is a very important point. In the process of passing the legislation, I believe I am right in saying that SNP Members voted with us in the victory on the vote that was predominantly about pubs in England, because they wanted same rights in Scotland in the future. It is a shame that the system has not been brought in there.

Greg Mulholland: The hon. Gentleman is right. The only way to get such rights and fairness for Scottish tenants was for the system to be established in England first, and I was delighted that SNP Members supported that. I am also delighted that they are represented in the Chamber today, because it is simply wrong that Scottish tenants are discriminated against in comparison with their English and Welsh counterparts.

Richard Arkless (Dumfries and Galloway) (SNP): I will, indeed, touch on some of the points that the hon. Gentleman and other colleagues have made during the debate. He has made an excellent case, and has outlined many of the deficiencies of the Pubs Code Adjudicator, particularly his conflicts of interest, which seem to have a causal link with the lack of real adjudication. However, I am slightly confused about why the hon. Gentleman is recommending the system to another jurisdiction given that, by his own admission, it does not seem to be working correctly?

Greg Mulholland: The hon. Gentleman makes an excellent point. It was made in the briefing that the British Pub Confederation and the Scottish Licensed Trade Association sent to him. I was with the delegation that met the Minister, Fergus Ewing MSP, and that told

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him—this is one of the exciting possibilities—that it could be done in a simpler, clearer and better way and in a way that is appropriate for Scotland, which is the challenge for the Scottish Government. The Scottish Licensed Trade Association and British Pub Confederation would be delighted to offer support in achieving the best possible result for Scottish licensees. We need to learn some of the lessons about what is going wrong in this country and about the sort of person who should or should not be the adjudicator, if Scotland chooses to follow the adjudicator model.

In conclusion, the reality is that the statutory pubs code is not working as Parliament intended when we voted it through, and it is not working as this Government intended when they drafted the pubs code. It has been routinely flouted and ignored by pubcos, and Mr Paul Newby—a wholly inappropriate choice for Pubs Code Adjudicator—is failing in his basic statutory duty to uphold and enforce the code. Tenants seeking to exercise their legal right to the market rent only option are being discriminated against, misled and bullied into accepting tied deals. The problems identified by four Select Committee reports and now by the British Pub Confederation report are simply not being addressed.

Two things need to happen. I must say that Ministers have so far ignored this matter and washed their hands of it, but they can no longer do so because the pubs code and the law are being flouted. First, they must intervene now and ensure that the pubs code works as they and Parliament intended. They must ensure that the office of the Pubs Code Adjudicator actually upholds and enforces the code. Secondly, having heard the reality of what has gone on in the six months during which the code has been operating, I am afraid that the Secretary of State must now accept the Business, Energy and Industrial Strategy Committee's recommendation and reopen the appointment process for the Pubs Code Adjudicator. We need an adjudicator who clearly understands and properly fulfils this important statutory role. That will require someone who does not have the conflicts of interest that Paul Newby has, and someone who will carry out the role as intended, rather than seek to skew the role and undermine the code.

MPs, Ministers, civil servants and the Select Committee have put in a lot of time, but all their work is being thwarted and ignored, so the code must now be made to work, with an adjudicator who will enforce it and who can be held to the appropriate standards for someone in a quasi-judicial position. The law must be made to work, and the will of the House and of Parliament must be upheld.

12.35 pm

Mr Laurence Robertson (Tewkesbury) (Con): I congratulate the hon. Member for Leeds North West (Greg Mulholland) on his energy in securing this debate. I thank him for the constant help he certainly gives me, as he perhaps gives other hon. Members, when I encounter certain issues or problems with tenants and leaseholders of pubcos in my constituency.

I declare a non-registered interest in that my sister is the tenant of a pubco. Some of my remarks have been generated by my experience in that respect, but not

exclusively so, because I have a large number of pubs in my constituency. One or two of them are now closed and are being changed into housing or car parking. The concern about pub closures and about the lack of profitability of many pubs is my motivation for taking part in this debate.

Let me say from the outset that I am not instinctively opposed to the pubco model as such. It has a number of advantages. It allows people with very little capital to go into the pub trade in the first place. In ordinary circumstances, the pubco takes responsibility for the building and exterior work, which can be very expensive, as we all know. When the system works well, the pubco can provide some professional back-up. The model provides access to a wide range of beers. It does not insist that wines and spirits are included in the tie, although I may come back to that point. It provides an opportunity for the landlord to run a restaurant on the premises, and it provides accommodation where the landlord can live. There are some good aspects of the pubco model, in theory at least, so I am not out to attack pubcos as such.

In practice, however, there have been a lot of problems. For example, rents have been very unfairly assessed in many cases. They are based not only on the profit that the pub makes from the tied beer, but on the anticipated profit that it might get, in certain circumstances, from food. The pubco benefits from the sale of its own beer, but when the business does better, the rent is quite often increased, even though the pubco has benefited from the extra beer sales, which seems quite unfair. Pubcos sometimes insist that landlords go on educational courses—it really stretches the imagination to believe that someone who has been in the trade for a long time actually needs to go on such courses—and the pubco benefits from the cost of the courses.

On many occasions, pubcos insist that landlords use the pubco's own insurance policies, which are enormously more expensive than those that can be found elsewhere in the market. They will not allow another product to be used unless the wording of the alternative insurance policy is identical, which seems very unfair. This costs landlords an awful lot of money. I have even known cases in which the tenant or leaseholder has been told that he must take out an insurance policy that covers the building, even though they are not responsible for the building. Tenants are charged for cover for fixtures and fittings that is not necessary in many cases, and in which the assessed value of the fixtures and fittings is far greater than their actual value, so the landlord again loses out in such cases.

So there are all those problems and the rate of pub closures persuaded Parliament to change the law, but as the hon. Member for Leeds North West accurately and comprehensively showed, the legislation is not working as it should. For example, confusion surrounds who is entitled to the free-of-tie option. Some landlords feel that only leaseholders or protected tenants are eligible. That needs clarifying and I hope that the Minister can do that for us today.

Some tenants are not protected under the clause in the Landlord and Tenant Acts that provides that a tenancy or a lease has to be renewed unless the organisation that owns the building wants to take it back for its own use. Many tenants or leaseholders have that clause struck out in the agreement that they reach. That is all

well and good until they get to the point when they need a new tenancy or a new lease and they ask the pubco for a free-of-tie option. Because they are not protected, the pubco can simply refuse to renew the tenancy. Is that fair? I suggest that it certainly is not. Again, I would appreciate some clarification of the exact position. It is an important matter. In answer to a recent written question, I was told that around 11,500 tenants are protected by the code, but there are many more pubs than that in the UK. It is not always easy to get a new tenancy if tenants ask for a free-of-tie arrangement.

The pubcos also often use outside agencies to negotiate the new tenancies, including chartered surveyors, who probably do not understand the local trade, if they understand the trade at all. I have also received complaints that pubcos' business development managers do not properly discuss the available options with tenants. Tenants are told that even if the pubco is prepared to offer them a new tenancy, the rent might go up considerably. Of course, that is when the adjudicator is supposed to be brought in. Two points arise from that. First, that system makes for bad relations between the tenant and the pubco, and that is not a good situation to be in. Secondly, it poses the question of whether the adjudicator effectively and efficiently engages with pubs and landlords who take cases to them. My experience so far is that that is not happening.

Another tenant told me that the start of his new tenancy—I emphasise “new tenancy”; he has already had one—means effectively having to apply for his own pub as if he is a new tenant, filling in CVs and application forms, having to submit a new business plan and going on training courses, which I mentioned earlier, that he had to attend when he entered the trade. He has been running a pub or a similar establishment for nearly 20 years, so where is the sense and fairness in that?

All that causes a great deal of stress and problems. It is worth pointing out that tenants could fear—and end up—being not only out of work and out of business, but out of a home, because the pub is their home. It is unlikely that, in the course of being a pubco tenant, they have been able to build up sufficient capital to buy a new home or a new business. They are in a precarious position, and the House of Commons did not intend that when it passed the legislation.

The value of pubs to their communities, particularly in rural areas, is enormous. They are often meeting places, and places where people can dine together, clubs and societies can be formed and friendships can be made. Pubs also raise a lot of money for charities—that is often forgotten. Pubs are valuable community assets. I ask the Minister, as far she can today or following the debate, to try to answer some of the questions and consider whether anything else can be done, as the hon. Member for Leeds North West said, to give effect to the law and to what the House of Commons intended when it introduced the changes.

12.44 pm

Mr Iain Wright (Hartlepool) (Lab): May I begin by saying how grateful I am to the Backbench Business Committee for allowing this important debate to take place? I thank the hon. Member for Leeds North West (Greg Mulholland), and the hon. Member for Tewkesbury

(Mr Robertson), who has just spoken. I bow to their superior knowledge and awareness of the pubs code and how it should operate. I also pay tribute to the hon. Members for Warwick and Leamington (Chris White) and for Cannock Chase (Amanda Milling), who are in their places, and are fantastic and assiduous members of the Select Committee on Business, Enterprise and Industrial Strategy, which I am privileged to chair. All who have spoken so far have worked hard on pubs and the pub industry.

The industry has been characterised for many years by an imbalance in power between large pub companies and the tenants of pubs tied to those companies. The market has not worked in a fair and equitable way, and tenants have had unfair conditions imposed upon the manner in which a variety of things happen: how they sell beer and, particularly, the rent that they pay and the lease under which they operate.

The pubs code sets out how pubcos should deal with their tenants in a much fairer way. I am pleased that my hon. Friend the Member for West Bromwich West (Mr Bailey), my predecessor on the Select Committee, who worked hard on pushing the matter and ensuring that the Government's feet were held to the fire, is in his place. I pay tribute to him, his Select Committee and my hon. Friend the Member for Chesterfield (Toby Perkins), who was on the Labour Front Bench at the time and did some great work on the subject. I am pleased to see him in his place. Those hon. Members have worked incredibly hard to try to rebalance the power relationship between pubcos and tenants.

A key part of addressing the imbalance is the Pubs Code Adjudicator. The adjudicator provides guidance on complying with the code and judges transactions to make things fairer. As we have heard, Mr Newby is the first adjudicator. In many respects, by being the first appointment, Mr Newby will shape the nature, style and tone of the job and the way in which matters will be dealt with by his successors. His judgments will set precedents, which could have ramifications for the pub trade and the pub property business for decades.

Dave Mountford of the Pubs Advisory Service and a landlord himself said to the Select Committee when we were taking evidence:

“The Pubs Code Adjudicator needs to be fair and impartial, and the decisions that he makes need to be based on our common law of justice and fairness such that they can then be applied to similar cases, so the precedent is set.”

I do not think that anybody would disagree with that. It is therefore essential that this first appointment of someone to a key role commands universal respect immediately and is not subject to any criticism or accusations of conflicts of interest, whether actual or perceived. Perception is important in such matters.

Sir Oliver Letwin: Does the hon. Gentleman agree that the imbalance of which he rightly speaks means that the adjudicator's proper role is not solely to maintain an impartial view, but specifically to consider cases of abuse by the pubcos? They are asymmetrical cases of abuse: the tenants are not abusing the pub code, the pubcos are allegedly abusing it. The adjudicator's role should therefore be to enforce on the pubcos obedience to the code. At the moment, we see examples of his looking as if he is just an arbitrator between the two parties.

Mr Wright: The right hon. Gentleman makes an incredibly important point. The adjudicator has to redress the balance in the power dynamics in the industry and there is evidence to suggest that that is not happening.

I want to be clear: Mr Newby's professional credentials and expertise are not disputed. His knowledge of the industry, having worked in the pub property business for something like 35 years, is not in doubt and cannot be questioned. However, having looked at the matter in the Select Committee, we believe that there is a significant reason why Mr Newby will find—and is finding—it difficult to command the confidence of all parts of the industry, namely a strong perception of a conflict of interest, made worse by Mr Newby's ongoing financial interest in his former firm.

Chris White: During the speeches of the hon. Member for Leeds North West (Greg Mulholland) and the Chair of the Select Committee, a number of criticisms have been made of the Pubs Code Adjudicator. Does the hon. Gentleman think that he should be called before the Select Committee again?

Mr Wright: The issue has attracted enormous interest, not just from our Select Committee but from predecessor Select Committees, which helped to change the law. As Chair of the Select Committee, I maintain that, given the hard-working and determined members of the Select Committee such as the hon. Gentleman and the hon. Member for Cannock Chase, the issue will not go away, but continue to command our attention. We want to put pressure on the Government to look again and reopen the appointments process so that this important appointment is seen as fair and impartial, and that is not happening.

I want to touch on an issue that came up in the Select Committee's consideration. Simon Clarke is a tied tenant and a surveyor, and both he and Mr Mountford expressed surprise and concern that Mr Newby, as a chartered surveyor, even applied for the job. Both said that someone from outside the industry was needed. Mr Mountford told us that they had said to the Department that the post required

“a judge, a retired lawyer or somebody with legal experience. We definitely said it should not be a surveyor.”

Mr Clarke said that it definitely should not have been a chartered surveyor, because there would always be a conflict of interest as surveyors would, in all likelihood, have advised one of the parties.

That brings me to the central concern about Mr Newby's appointment. Before becoming the Pubs Code Adjudicator, Mr Newby was a director of Fleurets, a firm of business property valuers and surveyors. As the hon. Member for Leeds North West mentioned, in giving evidence to the Select Committee Mr Newby said that about 20% to 23% of the firm's fee income—a material amount—derived from advice provided to the large pubcos. That alone lends itself to accusations of potential and perceived conflicts of interest. However, Mr Newby also continues to have financial interests in the company. He gave evidence to the Committee in May and then clarified some of his self-confessed inaccuracies in a letter to me in November—at, he said, the instigation of the Minister. Mr Newby has both shares in Fleurets Holdings Ltd and debenture loan notes owed to him by the company.

The Committee asked Mr Newby if he would provide a clean and definable break with his old firm by divesting himself of those financial interests. He stated in his November letter to me that the company is unwilling to do so in order to avoid putting

“undue strain on capital resources”—

it is probably more accurate to call it the firm's cash flow. That is very serious and really undermines the ability of the adjudicator to command the trust and respect of all sides of the industry. He has a significant financial interest in shares and loans from the company, which derives a significant part of its revenue from large pubcos, but he cannot alter that situation because that would put strain on cash flow. In other words, he retains an ongoing financial interest, and it is in Mr Newby's interest for the firm to do well to secure the moneys owed to him. That could mean that his judgments would assist large pubcos that have commissioned Fleurets to advise on tenancy arrangements so as to maintain the firm's cash-flow position and profitability, and thus allow payments to be made to Mr Newby.

When Mr Newby came before the Committee, he said:

“I have taken off my previous hat and thrown it away.”

But he has not: the ongoing financial interests mean that he is still clearly wearing that hat. There is a clear perception of conflict of interest. This is like a referee officiating at a football match between Chelsea, who are top of the premiership, and Newport County, who are bottom of league two—

John Healey (Wentworth and Dearne) (Lab): Or Hartlepool.

Mr Wright: They are not bottom just yet. It would be like a match between Newport and Chelsea, with a huge imbalance in skills and experience—perhaps that is a subject for a different debate—only for fans to discover that the referee owned shares in Chelsea's shirt sponsor. It is as close a relationship as that. Perceptions of conflict of interest would have started immediately on appointment, and as I said to Mr Newby at the Select Committee, he cannot possibly win. Any judgment he makes will now always be accused of being unfair and partial—like that referee, who would not be seen as independent. This is a serious failing in the ability of the pubs code to operate effectively.

A vivid contrast was brought home to me in the Select Committee when I asked tenants and landlords and then executives from large pubcos whether they had confidence in Mr Newby and his appointment. The large pubcos said that they did not have a problem. The tenants were clear that they did not believe that judgments would be fair and impartial. That contrast shows that the code cannot operate effectively. The pubs code has broken down before it has even begun, and the Minister needs to intervene to ensure the code starts to work.

I am disappointed that the Secretary of State rejected our calls to reopen the appointment process. I hope the Minister accepts that this case demonstrates a serious perceived conflict of interest, and that perception is stopping the code working effectively. To ensure the viability of the pub industry and to protect the interests of tenants, which have not been addressed for many

years, will she look again at reopening the process and have an adjudicator that is, and is seen to be, completely impartial and independent?

12.55 pm

Toby Perkins (Chesterfield) (Lab): I congratulate the hon. Member for Leeds North West (Greg Mulholland) on securing the debate. He is a great pubs campaigner who speaks powerfully on behalf of tenant groups and the whole industry. I am pleased that we worked together to get the Government to introduce the statutory pubs code in the last Parliament and to ensure that a free market rent only option was a part of it. It is a great honour to take over from him as the chair of the all-party parliamentary save the pub group and I am sure that we will continue to work closely together on these issues.

The work we have done together in the past has taken us some of the way to where we are today. I hoped that I would be part of a Labour Government that would get to deliver the pubs code, but sadly that was not to be. The pubs code was a contentious and important battle to win. I recall campaigners' tears of joy when we finally secured the victory that ensured that the free market rent only option was part of the code, after the hon. Gentleman tabled an amendment on Report. Many campaigners told me, "It's too late for me—I have gone bankrupt as a result of the imperfections in the way in which the industry has been run in the past—but it is crucial to me to know that Parliament will bring such abuses to an end." It is important that those campaigners, who spent many years getting the Government to recognise the power imbalance in the industry and the exploitation of that situation, have confidence in the pubs code and that we deliver the expectations expressed in those tears of joy.

The Labour Government of 2005 to 2010—this included excellent work by my right hon. Friend the Member for Wentworth and Dearne (John Healey)—looked at the issue and set a final challenge for the industry. The coalition Government who followed were wary of regulating a complicated industry and attempted to do everything in their power to give the industry time to put its own house in order. It was very much a last resort for the Government to introduce a statutory pubs code, and it came as a shock to them when we were able to get the House to include a market rent only option into the legislation.

Critics always claimed that we should not legislate because it would make matters worse, and pointed out that the beer orders did not turn out as expected. It is important that those people who have faith in the code get the impression that the Government are serious about ensuring that the legislation delivers what we intended. It is to the credit of the Government that following the election they stuck to their word and introduced the code that they had committed to, and it is now in the entire industry's interest to ensure that the pubs code's meaning is established, that all those in the industry have confidence in the rigour with which it will be enforced, and that the Pubs Code Adjudicator is, and is seen to be, impartial.

The motion—supported by the Chair of the BEIS Committee as well as the hon. Member for Leeds North West—makes it clear that those tests of confidence are

not being met. We have heard at some length deeply concerning allegations about the conduct of pub-owning companies when tenants wish to avail themselves of the market rent only option. A key test of the adjudicator will be whether it offers clarity to tenants and pub-owning businesses on issues such as the appropriateness of deeds of variation as a tool for transferring from a tied to a free tenancy. I have not heard a convincing reason why that should not be appropriate in the majority of cases.

I will come in a moment to the appointment and performance of Mr Newby, but it is fair to say that, alongside my praise for the Government for introducing legislation, I have legitimate questions for them about its implementation. It might seem harsh to criticise them for being too slow and too hasty, but there is a reasonable argument that they were guilty of that. The issues facing the industry have been long discussed and are well known, and the Government could have come forward much sooner with a draft code, giving notice to the entire industry of what was in store, appointed an adjudicator earlier and allowed more time for the set-up process. Given the scale of the changes to the code, most of which I support, the lead-in time was rather short and left the adjudicator and industry with little time to establish the new rules of the game.

I am conscious of the Select Committee's strong criticisms of the process that led to the appointment of Mr Newby, repeated by my hon. Friend the Member for Hartlepool (Mr Wright), and the question of whether his background opened him up to perceptions of partiality, and I sympathise with many of those sentiments. The hon. Member for Leeds North West mentioned my meeting with Mr Newby this week. I was happy to have that meeting. As always, my approach is to meet all parties involved. In the couple of weeks I have been in post, I have also met some of the campaigners my hon. Friend has met. I have not yet, however, met the British Beer & Pub Association, the Association of Licensed Multiple Retailers or the other organisations, but I will do, because it is important that everyone gets an opportunity to be heard. That is always my approach.

I said to Mr Newby that the focus on his background would continue while there are no adjudication decisions coming from his office and while the perceived conflicts of interest persist. We all want the adjudicator to get on and adjudicate and start answering questions about the interpretation of the pubs code. Once some initial decisions have been taken, tenants will have much greater clarity. As the right hon. Member for West Dorset (Sir Oliver Letwin) said, the adjudicator will then have the opportunity to represent the people he is there to represent—those we set up the pubs code to protect—and to say to the pub-owning companies, "We've met previously about The Red Lion, and now you're coming back with the same issues with The Dog and Duck. Why are we still having these arguments?" The hon. Member for Leeds North West made the important point that there might be differences of interpretation and fact between individual cases, but themes have emerged that could be looked at and quickly processed to give clarity. Across the industry, on both sides of the argument, there is real frustration at how long it is taking for decisions to emerge, but Mr Newby has assured me that decisions will start coming out of his office within the next month. We all hope he delivers.

[Toby Perkins]

The motion refers to Mr Newby's shareholding and loans to Fleurets. The Commissioner for Public Appointments reviewed his involvement in Fleurets and decided that there was no conflict of interest, but the fact that it is still being raised undermines his perceived impartiality. Mr Newby told me, as he told the Select Committee, that he had attempted but been unable to come to an early settlement of his loan to Fleurets. I will be writing to Mr Newby and Fleurets to urge them to recommence talks aimed at ending his involvement with the firm so that the perceived lack of impartiality might be addressed.

I call on the Minister to do the same: to ask Mr Newby and Fleurets to recognise that this perception is undermining his ability to be seen as impartial and to take every possible step to find an alternative source of money. I will not mention the amounts concerned on the Floor of the House, but in the context of the industry, they are not huge sums. It would pose a serious question about the stability of a company if it was unable to replace such a sum of money. It is significant enough, however, for it to be relevant—or at least to be perceived as being relevant—to an individual's decision making. I said to Mr Newby's face that the perceived relationship would undermine his decision making. It is important that the adjudicator be free to adjudicate on the basis of the evidence. If he knows that every time he makes a decision, people will say, "Well, he hasn't based his decision on the evidence; he made it because of his interest", it will undermine his decisions.

I know that campaigners have called for Mr Newby's dismissal and the restarting of the process. I am anxious that restarting the entire process might push the prospect of resolution further away for many tenants who desperately need the certainty that the code adjudications will bring. The hon. Member for Leeds North West is right that people are already walking away from the process, either by settling, having lost confidence in the process, or having gone bust or been unable to carry on in the trade. If the Government are minded to agree with the motion, I would ask them to set out how quickly we can start getting some decisions. Much like Brexit, sometimes no deal and a bad deal are the same thing. We need to start getting some decisions. Mr Newby has been described to me as a "rabbit in the headlights", afraid to make a decision that will ultimately need to be made, and the sense of frustration at the failure to start providing certainty is a strong and real one. The Government and Mr Newby should be under no illusions about the damage that further delays will pose to the entire process.

In summary, the pubs code and the adjudicator need to gain public confidence. This has not been a great start. The Government should do more to identify the cause of the delays and provide whatever support is needed to clear the blockage. They should also urge Fleurets and Mr Newby to sever their ties, which are comparatively small and should not be beyond the wit of man to overcome, and give the industry the certainty it is crying out for.

1.7 pm

Mr Adrian Bailey (West Bromwich West) (Lab/Co-op): I congratulate the hon. Member for Leeds North West (Greg Mulholland) on securing this debate and compliment

him on his tenacious commitment to this cause, which I know goes back over many years. That we are having a debate now, on the application of the pubs code, rather than its introduction, is some consolation and a reflection of the progress made.

I feel a sense of déjà vu standing here and once again debating this issue. In 2009, I was on the Business, Innovation and Skills Committee, chaired by Sir Peter Luff, that did an inquiry into pubcos—the third such inquiry, two predecessor Committees having held similar inquiries—and as the Committee Chair, I chaired another such inquiry in 2014. I had hoped, after the Government eventually accepted the Committee's recommendation to introduce the code, that it would be the last time we would feel the need to debate it. I thank my hon. Friend the Member for Hartlepool (Mr Wright) for chairing the successor Committee, which has been prepared to look at the issues arising from the appointment of the adjudicator and to carry the torch carried so long by different manifestations of the Committee.

I think it fair to say that the history of this issue has been characterised by obstructiveness and an unwillingness on the part of the pub companies to recognise the reality of the injustices done to their tenants and licensees, and the flawed business model of which they are part. Their failure to act on the often quite moderate recommendations of successive Select Committees has reflected their obstructiveness when it comes to any legislation that challenges their business model; and, in fact, we have legislation because of that obstructiveness. The pub companies have exploited every opportunity to thwart the will of Parliament, and I am afraid that it was always likely, even following the implementation of legislation, that they would continue to do so. Current experience and, indeed, this debate are a reflection of the culture that prevails in the industry.

The pub companies proclaim publicly that they accept—indeed, embrace—the legislation, and are anxious to make it work, but the evidence submitted by the hon. Members for Leeds North West and for Tewkesbury (Mr Robertson) demonstrates overwhelmingly that their private actions completely contradict their public posturing. The most common approach seems to be to make rent demands which in themselves reflect the level of profitability that would come from a tied tenancy—perhaps just for negotiating purposes, perhaps not—and then to add a number of other conditions which have the potential to make the agreement even more uncompetitive.

It is not surprising that in the first five months of his appointment, the adjudicator has received some 376 calls. I believe that there are currently 77 referrals before him, most of which relate to the market rent only option. That in itself, given the obstructiveness of the pub companies and the lack of clarity in the information conveyed to many licensees—in effect, to obscure their rights to take such action—reflects profound dissatisfaction with the process so far.

As several hon. Members have said, the role of the adjudicator is crucial to the successful outcome of the legislation, and to the implementation of successive Select Committee recommendations. Generations—almost—of parliamentarians have committed themselves to making this system work, and if we do not get it right,

a great deal of effort on the part of many Members of Parliament and a great deal of parliamentary time will have been wasted.

The role and financial interests of Paul Newby have been subjected to considerable scrutiny, and I commend the Select Committee for the forensic way in which it interviewed him. I am always reticent about criticising people before they have had a chance to demonstrate their ability to do their job, and when Paul Newby was appointed my instinct was to say, "Let us just see how he gets on before we make a judgment." However, given the key nature of the adjudicator's job, the culture that he is there to change and the role that he has in changing it, I think that certain issues have to be resolved.

My hon. Friend the Member for Chesterfield (Toby Perkins), among others, referred to Paul Newby's financial involvement with Fleurets. As the old adage has it, perception is reality. When an adjudicator has a financial interest in a body that is associated with one side of the arbitration procedure, there will always be a perception that he or she cannot act impartially. We heard from, I think, my hon. Friend the Member for Hartlepool that when interviewed by the Select Committee, the pub companies declared total confidence in Paul Newby, but the representatives of the tenants said the opposite. It is very difficult to secure confidence in a process when one of the two sides that will be affected by that process has absolutely no confidence in the person who is carrying it out. My hon. Friend used the metaphor of a football referee.

It concerns me greatly that many tenants who need that adjudication, and whose livelihood it might preserve in the long term, will be unwilling to use the processes that are available, and which Parliament has fought to secure over the years. If they feel that going to the adjudicator means that they will not have an impartial hearing, and indeed that by doing so they could prejudice their own business position, they will be reluctant to take such action. Built into the adjudicator's appointment is the implication that the potential benefits of the legislation will be undermined from the start.

I think there is a way forward. My hon. Friend the Member for Chesterfield said that Paul Newby should divest himself of his financial interest, and certainly, if Paul Newby is really committed to making his role a success, it should not be beyond his ability to find some way of doing so. If he refuses to act on that recommendation, I think that the House should propose that further action be taken to ensure that he is removed, or the problem should be dealt with in some other way.

This Parliament and Members within it have worked for many years to get this far. It is crucial to the livelihood of thousands of publicans up and down the country, and essential to the future success of the business model, that the system works. We cannot have someone at the heart of the process who potentially undermines the working of that process. The adjudicator should divest himself of his interest, or Parliament should act.

1.18 pm

Richard Arkless (Dumfries and Galloway) (SNP): I, too, congratulate the hon. Member for Leeds North West (Greg Mulholland), not only on securing the debate but on his tenaciousness, which has been documented. I suggest that he is indeed the pub champion of Westminster. At the very least, given the secondment

of the hon. Member for Burton (Andrew Griffiths) to the Tory Whips Office, he has a clear run at that title now—and goodness me, our pubs need a champion.

I was brought up in a pub—thankfully, the right side of the bar. My parents owned a couple of pubs when I was a kid, which extended to a snooker club where I spent most of what some would describe as a misspent youth. If any Members would like to challenge me to a game on the green baize in a nearby establishment, the evidence of that will be there for all to see.

I have always thought of pubs not necessarily as places where people get drunk, but places where people meet one another. I have been fortunate enough to live in various places throughout the United Kingdom, and the first place where I would always go to meet members of the community would be the local pub. It is not only the place to get a drink and have a chat, but anyone looking for a plumber can find one there within 10 minutes, and even get seven or eight different reviews of that plumber from people sitting at the bar.

So pubs are crucial to communities. They bring communities together—they are not only about the pursuit of alcohol—yet they are struggling. Some 25% of our pubs in Scotland have disappeared over the past 10 years. There are social, economic and all sorts of other challenges that they face. People tend to drink at home now; they are reclusing inside their house instead of opting to go to the community-friendly pub. I think that is a great shame, so it is very heartening to have people such as the hon. Member for Leeds North West championing this cause. I wish him all success on the wider issue of bringing pubs back into communities.

The hon. Gentleman gave a detailed analysis of the problems we are facing with the Pubs Code Adjudicator. He and I have spoken on this issue a couple of times, and in particular on the conflict of interest position that the Pubs Code Adjudicator allegedly finds himself in. Being a former lawyer, I am acutely aware of what constitutes a conflict of interest. The word "perception" has been used many times in today's debate, and I would suggest that a perception of a conflict of interest is indeed enough to create that conflict of interest. We cannot enter the controlling mind of that person and say whether in any given circumstances that particular financial interest is likely to cause them to make a different decision; the perception of that conflict is enough, and I cannot understand why the Government cannot see this. This is the clearest example that I think I have ever seen of a conflict of interest position, and something must be done as a matter of great urgency—perhaps not reopening the appointments process, but at least the Government should call Mr Newby before them to see whether that conflict of interest position is tenable. I cannot understand how anyone looking at this situation could fail to see a clear conflict of interest.

Greg Mulholland: Perhaps I should say, to help the hon. Gentleman on that point and to remind the Minister, that part of the problem is not only that these conflicts were not properly declared by Mr Newby, but that the right questions were not asked at the appointments process. So these things were not known, which is why we have the absurd situation of the Select Committee forcing him to publish his real conflicts of interest when he had been in the job for five months.

Richard Arkless: I thank the hon. Gentleman for his intervention. If clear evidence is given to the Select Committee that that is indeed the case, surely that ought to compel immediate action from the Government. It is clear that there is a conflict of interest position here, and if the whole point of the adjudicator is to address the inequality of arms between big breweries and small, defenceless tenants, that matter needs to be addressed with the greatest urgency.

There have been many excellent speeches here today and I will run through some of the points made in them before I make some further comments on the position in Scotland, which has been alluded to in the debate. The hon. Member for Tewkesbury (Mr Robertson) outlined, as everybody did, some of the problems the Pubs Code Adjudicator process is facing, and he asked the Minister to answer some questions. I was particularly interested in the problem he outlined in relation to the renewal of tenancies. He asked the Minister to give some clarity on that issue, and I call on the Minister to do so. The hon. Gentleman described pubs as valuable community assets; given what I have said, I clearly agree wholeheartedly. I hope we can start campaigning to make the consciousness of the public turn back towards seeing pubs as community assets and places where communities can be brought together.

The hon. Gentleman also talked about awareness of the pubs code, which is crucial. If tenants do not know that they have a code and the right of redress, Mr Newby will get away with any conflict of interest position he puts himself into, because if people do not know their rights, they will not pursue them.

The hon. Member for Hartlepool (Mr Wright), Chair of the Business, Energy and Industrial Strategy Committee, made an excellent speech, and again touched majorly on the conflict of interest point; I can add nothing to his comments. He touched on the perception point, and I reiterate that a perception of a conflict of interest is indeed a conflict of interest.

Lawyers are acutely aware of conflicts of interest; we look for them in every single transaction we do. As a lawyer, I was taught by a partner how to identify a conflict of interest. He said to me, "If it looks like a duck, quacks like a duck and walks like a duck, chances are, Richard, it's a duck." So if it feels like a conflict of interest and it looks maybe like a conflict of interest, it is, categorically, a conflict of interest.

I listened with great interest to the hon. Member for Chesterfield (Toby Perkins), who admitted that the Pubs Code Adjudicator process had not made a great start; that was corroborated by Members across the Chamber. He provided useful historical context from the past 10 years, summarising the good work he did in the last Labour Government to initiate and bring about this change. He has been campaigning very successfully on this issue. I would politely add that he has been marginally more successful here than in his last campaign, where he was suggesting that supporters of the Scottish national football team should be singing "God Save the Queen" before matches, which even for the most ardent of Unionists would have been a bitter pill to swallow. That is a bit like asking Manchester City fans to sing "Glory, glory Man United" before City play.

Toby Perkins: I never made any such suggestion.

Richard Arkless: If that is the case, I stand to be corrected, but the House was full of leaflets detailing this a number of months ago—but if I am mistaken, I would never attempt to mislead the House.

Toby Perkins: I will be brief, because I do not want to detain the House on this, but actually what I was proposing was that the English football team should have a separate national anthem from "God Save the Queen", and that "God Save the Queen" should only be used when Britain was playing and England should have an English national anthem. I was not telling Scotland or Wales what to sing at all.

Richard Arkless: I will have another look at the leaflet to see if I stand to be corrected—and, indeed, I do not think we should detain the House on matters not relevant to this debate.

The hon. Member for West Bromwich West (Mr Bailey) talked about *déjà vu*. Again I do not think he was talking about a *déjà vu* experience that is positive, and we seem to be back here discussing some of the other problems that have occurred in respect of the Pubs Code Adjudicator. The fact that we keep coming back to these problems indicates that it would be a slavish policy for the Scottish Government to accept a system of a one-size-fits-all, broad-brush approach that clearly has problems.

I should make it clear that I am committed personally to fairness to pub tenants, and the Scottish Government are committed to making sure that inequality of arms does not persist. The motion

"urges parity for Scottish tenants",

and clearly I would urge parity in fairness, but whether fairness exists within the current system, given the problems we have identified, is another matter, and I think the Scottish Government are right to take the approach they have taken, which I will outline in more detail now.

The Scottish Government introduced a voluntary code for pubs and landlords in 2015. Clearly, a voluntary code is not, potentially, as effective as a compulsory code, and we consulted from July 2016 and published a 77-page report in December of that year. It highlighted that the pub sector in Scotland has different facets and characteristics from the pub sector in the rest of the United Kingdom. Some 40% of pubs in the UK are tied, while only 17% are tied in Scotland. There is also a much higher proportion of longer leases across the rest of the UK than in Scotland. That is further evidence that a one-size-fits-all policy might not be the best suggestion, but that is not to say that we do not recognise that there are concerns.

The report stated:

"The evidence collected did not suggest that any part of the pub sector in Scotland was unfairly disadvantaged in relation to another. As a result, further dialogue between the relevant trade bodies, government, and other interested parties, should continue before making any changes to legislation"—

but that is not, I emphasise, ruled out.

The report continued:

"Based on the findings from the research, it is clear that there is more work to be done in ensuring that the relationship between Pub Companies and tenants is further strengthened and clarified."

I think everybody would welcome that. The report added:

“Further clarification is also required on beer costs, the cost of entry into the sector and the value of...benefits.”

The report also stated:

“The contractor faced significant challenges in recruiting licensees and Pub Companies to participate in the research, created by an apparent unwillingness to engage on the subject at a detailed level. As a consequence, it is recommended that a further more detailed study should not be undertaken without a significantly increased level of interest and involvement from the wider industry.”

To put it bluntly, we feel more evidence is required before we can go down the road of having a compulsory pubs code adjudicator, and clearly there are lessons to be learned from the system implemented by this place. I do not think there is anything wrong with that; sometimes Holyrood will do things first and this place will learn, and sometimes this place will do things first and Holyrood will learn—*[Interruption.]* Yes, and of course, ultimately, Holyrood will, without question, do it better, but that is a very healthy process.

That concludes my comments, but finally I reiterate that we believe in fairness for pub tenants. We are not at the stage in Scotland yet where the evidence has been compelling enough to make us go down this road, but we are looking at the system, thinking about it and analysing the mistakes, and hopefully in the future we will devise a system that properly protects the rights and fair treatment of tenants of tied pubs.

1.29 pm

Gill Furniss (Sheffield, Brightside and Hillsborough) (Lab): I congratulate the hon. Members for Leeds North West (Greg Mulholland) and for Tewkesbury (Mr Robertson) on securing the debate and for being real supporters and defenders of pubs. The pubs code came in after much wrangling in Parliament. It had been called for by many stakeholders in the industry. One of its most important objectives is to provide a level playing field for tenants, often in local pubs, so that they can compete fairly with pubcos in negotiations. This was mentioned by my hon. Friend the Member for Chesterfield (Toby Perkins). I congratulate the House on highlighting certain issues in the code, including the successful introduction of the market rent only option for tenants, which enables them simultaneously to seek the best deal for their pub while negotiating with one of the large pubcos.

The Government then set out to appoint a Pubs Code Adjudicator, and the decision was made to appoint Mr Paul Newby to the position, to oversee the running of the code, to provide information about the code and, when necessary, to enforce the code. In the midst of all this, there has been great tension between some groups in the pub industry, particularly around the role of the Pubs Code Adjudicator. My hon. Friend the Member for Chesterfield highlighted some of the issues around conflicts of interest; he made some sensible points. He and others have made eloquent contributions on that issue. They include the hon. Members for Leeds North West and for Tewkesbury, the right hon. Member for West Dorset (Sir Oliver Letwin) and my hon. Friends the Members for Hartlepool (Mr Wright) and West Bromwich West (Mr Bailey). I will not repeat the points that they have already so eloquently made.

The pubs code plays an essential part in moving towards a level playing field for pub tenants and the larger pubcos. In doing so, it provides an outline for

protecting pub tenants against the very large pubco organisations. The market rent only option was successfully introduced to give pub tenants more flexibility in their operations, and it was welcomed by many stakeholders. However, as we have heard, there are serious questions about the effectiveness and implementation of the code, and about the role and conduct of the Pubs Code Adjudicator and the perceived conflicts of interest relating to him. The hon. Member for Dumfries and Galloway (Richard Arkless) used his legal background to explain clearly how that perceived conflict of interest could be a serious barrier, and said that the issue needed to be looked into.

Since the introduction of the code last year, 77 referrals have been put forward to the Pubs Code Adjudicator. Most of them have related to market rent issues, a crucial matter for many of the small operators in the sector. There is clearly a demand for arbitration via the code, and it is a matter of great concern to me and many others that not one of those cases has yet reached resolution. I recognise that the Pubs Code Adjudicator has been in post for only six months, but he should have made his mark on the industry in that time in order to try to gain the confidence of the market. It is essential that the process of referrals and subsequent decisions by any adjudicator should be seen to be fair and free of any conflict of interest. This is an issue that the Government need to address urgently, as my hon. Friend the Member for Hartlepool said.

The pub industry employs 850,000 people in the UK, mainly in the local pubs that form the hub of many communities. At this time of Government cuts to vital local services, we have seen community pubs stepping in to provide libraries and cafés to serve their communities. I commend the work being done by the not-for-profit organisation, Pub is the Hub, in this regard. It is crucial that the pubs code should work for everyone as the effective measure it set out to be and was expected to be.

This brings me to the points raised by hon. Members on the role of the Pubs Code Adjudicator. There have certainly been raised tensions in the debate over the appointment of Mr Newby as the PCA. As I have said, I welcome the points that hon. Members have made about the perceived conflict of interest issues surrounding Mr Newby's former employer. I urge the Minister to look into the recommendations of the Select Committee, particularly those relating to the perceived conflict of interest and to Mr Newby's shareholdings and the loan issues that have been raised today.

In my view, we should not hide away from serious concerns such as these. The Government must ensure that the role of the Pubs Code Adjudicator is truly impartial and independent, so that the pub tenants whom the pubs code is there to serve can be satisfied with the work being done. That is clearly not the case at the moment, as the hon. Member for Dumfries and Galloway pointed out. Only in this way will we ensure a fair and proper process and a focus on the real and important issues. I urge the Government to examine the role of the Pubs Code Adjudicator and to explore options that will increase transparency and fairness.

Over the past couple of weeks, I have had many meetings with representatives of pub tenant groups and of the larger pubcos. In all those meetings, there were recurring themes that appeared to unite all the stakeholders, one of which was business rates. We must focus on the

[Gill Furniss]

issues that act as barriers towards a thriving pub industry. The pub is a long-established part of British life, and a visit to a pub is now No. 3 on the list of things to do for tourists coming to the UK. We must do everything we can to ensure that that continues.

The pubs code is there to help local pub tenants to get a fair deal when negotiating with the large pubcos, but we have already heard today that some in the industry are unconvinced that it is working for them. I strongly urge the Government to do what they can to ensure that the pubs code is properly implemented for everyone, but in particular for the tied tenants who have long campaigned for fair negotiations. Also, it is only fair to Mr Paul Newby that the Minister should review the way in which he was appointed and the matters that have arisen from this debate and from the Select Committee, so that we can move on and make progress towards ensuring that the pubs code is properly implemented and that everyone has confidence that it can work in the way that it was meant to do.

1.37 pm

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Margot James): I congratulate the hon. Member for Leeds North West (Greg Mulholland) and my hon. Friend the Member for Tewkesbury (Mr Robertson) on securing today's debate on the Pubs Code Adjudicator, and I thank all Members across the House who have contributed to the excellent and thought-provoking debate. Clearly this subject continues to attract strong views and passionate debate, and I want to reassure the House that the Government are fully committed to ensuring that tied tenants can operate in an environment that is fair and that allows them to thrive. That is why we introduced the pubs code. I pay particular tribute to the role that the hon. Member for Leeds North West played in bringing about that piece of legislation.

The pubs code regulates the relationship between around 11,500 tied pub tenants and the large pub-owning businesses that rent the pubs to them and sell them tied products. The pubs code applies to pub-owning businesses with 500 or more tied pubs in England and Wales. There are currently six pub-owning businesses that fall within the scope of the code: Admiral Taverns; Enterprise Inns; Greene King; Marston's; Punch Taverns; and Star Pubs & Bars, owned by Heineken.

The two principles of the pubs code are: fair and lawful dealing by pub-owning businesses in relation to their tied tenants; and that tied pub tenants should be no worse off than if they were not subject to any tie. The pubs code should make sure that tied pub tenants: receive the information they need to make informed decisions about taking on a pub or new terms and conditions; have their rent reassessed if they have not had a review for five years; and are enabled to request a market rent only option to go free of tie in specific circumstances, including at a rent review or on the renewal of tenancy.

I will first address the appointment of Mr Newby and the performance issues raised in this debate. I am sure we can return to some of those important issues during my speech. We believe that he is the right person

to ensure that the pubs code delivers its statutory objectives and, for reasons I will set out, we think he got off to a good start with his responsibilities.

Since his appointment, Mr Newby has made himself visible and accessible. He has attended at least eight conferences, various events and eight roadshows across the country, at which he has met many stakeholders, including several hundred tenants. He has also taken pains to pursue greater visibility for the pubs code and to raise awareness among tenants by appearing on various television programmes, including a pubs special of "The One Show" and "The Great British Pub Revolution," with the aim of bringing the pubs code to the attention of a wider audience. I did not watch the programmes, so I cannot comment on their creative content, but they are a means of raising awareness with the target audience.

Through those appearances, Mr Newby has explained his role and responsibilities, and has shown his determination to help to create a fairer business environment for tied pub tenants that allows the pubs, which are so important to our communities, to thrive. Contrary to what we have heard, he has been raising awareness among tenants that under regulation 50:

"A pub-owning business must not subject a tied pub tenant to any detriment on the ground that the tenant exercises, or attempts to exercise, any right under these Regulations."

It is important that he continues to make that case.

Toby Perkins: Will the Minister clarify that, in the context of that desire and regulation 50, a pub-owning business that moves from a tied model to a free-of-tie model will be able to do it with a simple deed of variation? That would make it the only change to the business's terms and conditions, and all the other terms and conditions would not have to be reviewed as a result. Can she confirm that that is consistent with what she has just said?

Margot James: I have great sympathy with the hon. Gentleman's point, and I hope that it will be clarified by the Pubs Code Adjudicator in due course. The pubs code itself is not clear on that aspect, and it will be up to the Pubs Code Adjudicator to pronounce on it when he feels that he has enough evidence. I reiterate that I have considerable sympathy with the hon. Gentleman's point.

Mr Newby has received a positive response from tenants, with the majority supporting his role. I accept that some tenants are deeply opposed to his role, and I could not have sat here for the past hour and a half without realising that, even if I had not known beforehand.

Greg Mulholland: Will the Minister give way?

Margot James: I will make some progress before giving way to the hon. Gentleman.

Greg Mulholland: Give us the evidence.

Margot James: I might as well have given way to the hon. Gentleman, because he is making his point anyway. I will shortly come to his point about tenants who support Mr Newby. Suffice it to say that the number of referrals that Mr Newby is getting bears witness to there being tenants who support his role.

Tenants are coming to the Pubs Code Adjudicator to seek the protections provided by the pubs code. In its first six months, the inquiry line set up by the adjudicator to provide information about the pubs code received 435 inquiries, 91% of which were from tied pub tenants or their representatives, which bears out the imbalance that these businesspeople have had to suffer over many years. In the same period, the adjudicator received 121 referrals for arbitration.

I will now respond to a few of the comments made in the debate. My right hon. Friend the Member for West Dorset (Sir Oliver Letwin) and others observed that the Pubs Code Adjudicator has a dual role in both upholding and enforcing the code and in adjudicating on alleged breaches of the code. The pubs code was introduced in law to bring greater protection to tenants and to strengthen their position on what was a very un-level playing field. The PCA's role is therefore to uphold the law and not to interpret it in a way that is biased towards one party or another on the adjudication side of his responsibilities.

We have heard allegations of ongoing abuse by pub companies, particularly from the hon. Member for Leeds North West, to whom I listened very carefully, and my hon. Friends the Members for Warwick and Leamington (Chris White) and for Tewkesbury. Tenants seeking the market rent only option, it is alleged, are being undermined by tactics deployed by the pub companies that threaten to make the pursuit of a market rent only option unviable, in direct contravention of regulation 50. There have clearly been instances in which the code has been flouted, and hon. Members are right to bring those cases to the House this afternoon. The code is designed to root out those cases, and I urge hon. Members to refer them to the Pubs Code Adjudicator.

On the performance issues, the hon. Member for Chesterfield (Toby Perkins) rightly raised his concern that there have not yet been any adjudications. There is a clear appetite, shared by the Pubs Code Adjudicator himself, for adjudications to start coming out, and I have no doubt that they will start coming out without further delay. There is no doubt that the Pubs Code Adjudicator will start to form some views, based on the evidence that he is seeing, so that we do not indefinitely have a situation in which every single case takes the same length of time as the cases in the first few months of his deliberations. I concur with that point, and I have questioned him about it. He assures me that although the law is technical and is not clear on every point, he will most certainly issue guidance when he is satisfied that he is in a position to do so.

Of course, the Pubs Code Adjudicator has already made statements that should give comfort to the House. On 9 September he made a public statement in response to information he received from stakeholders, in which he reminded the pub-owning companies of their obligations and what he expected of them in relation to the code:

"I expect pub-owning businesses to act in a manner that does not inhibit a tied tenant from accessing their rights".

He also said that pub-owning companies must make available all relevant information relating to rent assessments and proposals for tenancies, and that they must ensure that MRO tenancies comply with the code and do not contain the sorts of unreasonable terms that we have heard about this afternoon. It is clear from our investigations prior to this debate that at least one pub-owning company is still not complying with the code and is making life difficult for its tied tenants. That needs to be rooted out.

Greg Mulholland: I remind the Minister of her wonderful work when she was a member of the Select Committee and shared exactly its view. She must substantiate her statement that the majority of tenants support Paul Newby. Does she realise that the only organisations he cited in support are: the Association of Licensed Multiple Retailers, which has a regulated pubco as a member; the British Institute of Innkeeping, which is run by someone who used to be a boss of a former pubco; the Federation of Licensed Victuallers Associations, which is run by a former director of Enterprise Inns; and Enterprise Inns, which pays for licensees to sign up to membership? Those are the only people who have signed up, so will she correct the record? The majority of tenant-representing organisations oppose Mr Newby and always have.

Margot James: I do not accept the hon. Gentleman's criticisms. I am sure that he has not interviewed all 11,500 tied tenants. From the representations that I have seen, the number of tenants that the British Pubs Confederation represents is open to question. It is all very well for the hon. Gentleman to be so critical of the Association of Licensed Multiple Retailers and the Federation of Licensed Victuallers Associations—*[Interruption.]*

Greg Mulholland: It was no criticism.

Margot James: Well, it is all very well for him to say what he said, but they are credible organisations. They welcomed the Pubs Code Adjudicator's appointment and said that it is essential for the post to be held by someone with an in-depth knowledge of the market. When I visited the office of the Pubs Code Adjudicator in Birmingham and met the staff who work behind him, they were relieved that they had the leadership of someone who knew so much about the industry and the market.

Members raised other important issues, including the conflict of interest mentioned by the hon. Member for Hartlepool (Mr Wright). There have been two accusations against Mr Newby: that he has conflicts of interest through his financial interests in Fleurets and—I do take this seriously—that the perception that he is conflicted means that he is not able to carry out his role effectively. There is a delicate balance to be struck when saying that the perception is the reality, which can lead to opportunities to give further credence to the conflict of interest. However, as the Secretary of State explained to the BEIS Committee on 14 December, the appointment process for the post was run in full accordance with the code of practice for ministerial appointments to public bodies. It was a proper and rigorously followed process. The panel concluded that Mr Newby had no conflicts of interest that would call into question his ability to do the job.

The Commissioner for Public Appointments, Peter Riddell, also considered the matter and has confirmed his view that nothing was hidden and that there had been a proper, transparent process. He is also satisfied that the panel was entitled to conclude that Mr Newby has no such conflicts of interest. It would be wrong to deny the judgment of the independent figure responsible for overseeing such procedures. Mr Riddell is a man of great integrity who has a deep understanding of the principles of public appointment.

The Government do not agree that Mr Newby's previous employment with and financial interests in Fleurets create a conflict of interest that could give rise

[Margot James]

to a reasonable perception of bias—[*Interruption.*] I am sorry that hon. Members are dissatisfied with that. We have heard the accusations that Mr Newby misled the BEIS Committee about his financial interests in his former company, but he has not attempted to disguise the nature of his financial interests in Fleurets. He answered the questions he was asked to the best of his ability at the time and there was no intention to mislead. He later became aware that some technical parts of his evidence were inaccurate and wrote to the Select Committee to set the record straight.

The request for early repayment was referred to by the hon. Member for Chesterfield, who was backed up by the hon. Member for West Bromwich West (Mr Bailey), whose speech I listened to with great attention having sat on the former Business, Innovation and Skills Committee in the early years of my time in Parliament when he was its Chair. During his oral evidence, Mr Newby was open about the nature of his loan arrangements with Fleurets. In order to be helpful, he said:

“I could ask if it would be possible to be repaid more quickly, but that agreement was already in place when I left.”

Mr Newby took the opportunity to update them on that request when he wrote to the Committee. His willingness to seek to address the Committee’s concerns should not be construed as an admission that he is conflicted, nor that the Government think that that is the case.

In conclusion, the pubs code is important for the pubs sector. It is vital that Mr Newby is now allowed to get on with the job. Many adjudications are awaiting an outcome and I share the frustration that we have not yet seen any results. However, six months is not a long time, considering the burden of work associated with the role and the small team of nine people. It is therefore incumbent on us all to give Mr Newby the space to do his job properly over the next few months. I am sure that hon. Members will no doubt request a further statement or perhaps another debate, and I hope that we will be talking more about the outcome than the process. Mr Newby is doing a good job and has much important work to do. Through that work and his adjudications, it is important that the sector’s confidence is built up and, most important of all, that tenants in all our constituencies are protected as Parliament intended.

1.55 pm

Greg Mulholland: I thank all the hon. and right hon. Members who have taken part in this important debate. Excellent contributions have come from both sides of the House. Notably, not a single Backbencher stood up in support of Mr Paul Newby or claimed that the pubs code was working. I like the Minister, who did great work with the former Business, Innovation and Skills Committee. I pay tribute to all colleagues on the Business, Energy and Industrial Strategy Committee and to the Member for West Bromwich West (Mr Bailey), its former Chair. I remind the Opposition that the process was started by a Conservative former Chair of the Business, Innovation and Skills Committee, Sir Peter Luff, so it has involved cross-party working.

However, the things that the Minister has had to say today must have stuck in her craw, because she was regurgitating the misleading nonsense that is coming

from the office of the Pubs Code Adjudicator. She spoke of visits, visibility, roadshows and what a lovely, charming chap he is, but that is precisely the kind of backslapping approach that has got this sector in such a mess. We have surveyors who know pubco bosses and play at the same golf clubs; we have to get away from that and have a proper system and a real adjudicator, just as the right hon. Member for West Dorset (Sir Oliver Letwin) said. I urge the Minister to listen to him, the hon. Members for Tewkesbury (Mr Robertson), for Warwick and Leamington (Chris White) and for Peterborough (Mr Jackson), and all her colleagues who understand the situation. She did admit that there are clear examples of where the code has been flouted, but she did not acknowledge that the Pubs Code Adjudicator is doing absolutely nothing about them, including deeds of variation, on which I hope we will now get some action.

Will the Minister meet me and representatives from the British Pub Confederation? We will send her a copy of the report, which we must discuss with her and her officials. As we have heard today, the reality is that Mr Paul Newby’s position is untenable. He cannot perform this role and will never have the confidence of tenants. The whole situation around him stinks. The hon. Member for Dumfries and Galloway (Richard Arkless) said something like, “If it looks like a duck and quacks like a duck, it is a duck.” Frankly, Mr Newby is worse than a dead duck; he is a duck that is in real danger of compromising, skewing and watering down everything that the Government tried to do in the pubs code and what this House stood for.

This situation will not go away; Mr Newby will never have the confidence of tenants. The pubs code must be made to work and it is the duty of the Minister and her ministerial colleagues to do that. I look forward to meeting them to discuss that and to present the real evidence, not the nonsense. I remind the House that Greene King, one of the six regulated pubcos, is a member of the very organisation that Mr Newby has claimed supports him. That is the situation, and it is not good enough. The vast majority of tenants, representative organisations and licensees, and all the people whom the British Pub Confederation is representing in cases, oppose Mr Newby and have no confidence in him. He must go. That will happen, but it depends on whether we see leadership from the Government or whether the situation has to drag on for another six months or a year. It will not go away.

Question put and agreed to.

Resolved,

That this House welcomes the Pubs Code established in July 2016 to deliver a fairer relationship between large tied pub companies and their licensees and to deliver the principle that the tied licensee should be no worse off than a free-of-tie licensee, introducing a Market Rent Only option for tenants, the right in certain circumstances to have an independent free-of-tie rent assessment and to pay only that sum; is dismayed that pub companies are thwarting the Code and are routinely flouting Regulation 50 that tenants who exercise, or attempt to exercise, their rights under the Code should not suffer any detriment; notes that this includes refusing to allow deeds of variation to leases, forcing tenants wanting to pursue the Market Rent Only option to agree a new lease on unfavourable terms; believes that fees being proposed for independent assessors are wholly unreasonable and that unfair additional charges are being demanded which make it unviable to pursue the Market Rent Only option; expresses strong concern that the Pubs Code Adjudicator (PCA), Paul Newby, who holds

shares in, and has loans to Fleurets, which derives substantial income from the regulated pubcos, is failing to stop these practices or uphold the Code; calls on the Government to ensure that the Code works as intended and to accept the recommendation of the former Business, Innovation and Skills Committee to reopen the appointment process for the PCA; further notes that the Code does not apply in Scotland; and urges parity for Scottish tenants.

Breast Cancer Drugs

1.58 pm

Siobhain McDonagh (Mitcham and Morden) (Lab): I beg to move,

That this House notes the provisional decision not to provide the breast cancer drug Kadcylla for use in the NHS on 29 December 2016; and calls on the National Institute for Health and Care Excellence (NICE) and pharmaceutical company Roche to come together and re-assess this decision to ensure Kadcylla is kept available for patients, and consider how access to both innovative new breast cancer drugs and off-patent drugs used for breast cancer, such as bisphosphonates, can be improved.

I thank the Backbench Business Committee for the swift manner in which it allocated time to have this important debate. I want to put the spotlight on an issue that affects the lives of millions of people—those who are living with breast cancer and their family and friends. I am sure that almost everyone here today will know someone who has had this disease. My own friends have suffered from breast cancer, and I am so pleased that many of them are in the Public Gallery to watch today's debate. I have received a large amount of communication on this, including as late as last night in a message from a Vivienne Ashley, who cannot be here today but will be watching on TV.

The disease affects people irrespective of their class or job. Many hon. Members have suffered from breast cancer, such as my hon. Friend the Member for Bristol West (Thangam Debbonaire)—also my Whip—who has had a great recovery. An Opposition Member approached me only yesterday to explain that she was receiving treatment, and that although she wanted to be involved in the debate, she felt the issue was too close to her to do so at the moment.

I am sure all Members would agree that we need a health system in which the most effective cancer treatments are available to all patients. Today, I want to let people living with cancer, especially secondary breast cancer, know that we have not given up on them and that we all want an NHS that provides us all with access to the most effective treatments.

Sir Desmond Swayne (New Forest West) (Con): If the deliberations used by the National Institute for Health and Care Excellence, particularly for metastatic breast cancer, take insufficient account of the needs of young families to spend more time with their mothers, is the remedy something that NICE itself can provide by altering the way it goes about those deliberations, or is it something that we in this House and the Government need to do?

Siobhain McDonagh: The answer to the right hon. Gentleman's question is both. There are issues with how NICE assesses new drugs, particularly cutting-edge drugs such as Kadcylla. He will know, because of his involvement in the last Government, that they established the cancer drugs fund. It is not an either/or, but something we all need to come together to discuss, and that people with more scientific knowledge than me might wish to consider.

Norman Lamb (North Norfolk) (LD): I congratulate the hon. Lady on securing this important debate. Does she share my concern at news that the Government appear to be ready to leave the European Medicines

[Norman Lamb]

Agency following the Brexit vote? Many people fear that that will lead to a slowdown in access to new medicines. She talks about the importance of NHS patients getting access to medicines; this could make the situation worse and leave us disadvantaged compared with other countries in Europe.

Siobhain McDonagh: Breast cancer knows no boundaries, whether class, social or geographic. Anything that reduces access to better forms of treatment is detrimental.

The ability to lead an enriched and longer life as a result of medical advances should not be limited only to those who can afford private healthcare. Those advances should be accessible to us all. This debate will focus particularly on the provision of the breast cancer drug Kadcyla, which is under threat. Most Members will be aware of the lease of life that Kadcyla has brought to thousands of women in England with incurable secondary breast cancer. These women rely on Kadcyla to enrich their lives and to give them extra precious years to live. Indeed, in many ways it is a revolutionary drug. By targeting cancer cells directly, it helps to reduce the number of side effects, boosting women's quality of life immeasurably. Members who have heard these women talk about their experiences will be humbled to learn of the distress and despair that they face as a result of NICE's decision to provisionally reject the future use of Kadcyla on the NHS.

Today we are all supporting Breast Cancer Now's "Keep Kadcyla" campaign to encourage NICE to reverse its decision and enable continued access to the drug, which both improves the quality of life and extends the lives of thousands of women in this country, on the NHS. Since NICE's decision was announced at the end of December, thousands of people throughout the country have had their views heard. They have signed the petition and contacted their local MPs to ask that we do not give up on women, on the children who are dependent on mothers, and on the families who want that precious extra time with their loved ones. That is why we are all here today: to raise our collective voice in support of these women and defend the treatment that allows them to live their lives.

The focus of much of what I have to say today will be on Kadcyla, but we also need to consider other specific breast cancer drugs, as well as the broader issue of how decisions about access to treatment are made. Unfortunately, we are yet to see any improvements in access to off-patent drugs, some of which can prevent the development of certain cancers, thereby saving countless lives, as well as saving the NHS a great deal of money. Just a few months ago, the front pages of national newspapers highlighted the poor access to vital bisphosphonate drugs, which can prevent women from developing secondary cancer, yet the Government have barely acknowledged the problem of access to such treatment. I look forward to hearing from the Minister about when we can expect tangible results regarding access to off-patent drugs, including bisphosphonates. To be clear, many of the women who today owe their lives to Kadcyla might never have developed secondary breast cancer had they had access to bisphosphonate drugs in the first place.

Nick Thomas-Symonds (Torfaen) (Lab): I will discuss off-patent drugs in my own speech, but on bisphosphonates, which are in the category of repurposed drugs, is my

hon. Friend as concerned as I am about the results of the UK-wide survey undertaken by the UK Breast Cancer Group in March last year, which showed that currently only 24% of breast cancer clinicians are offering bisphosphonates to patients? That is something that the Government could urgently address.

Siobhain McDonagh: I completely agree with my hon. Friend and hope to say a little more about that later in my speech.

This debate is about not just Kadcyla, but the lives of the thousands of women who rely on it to survive, so I want to share the words and experiences of two of my friends whose lives have been transformed by having access to Kadcyla. One of my friends is present today—I went to primary school with her, but I shall not tell the House just how many years ago that might have been. Her name is Samantha, and she said:

"When I got the breast cancer diagnosis, I glibly thought—oh it's OK I'll get cured, but sadly about 18 months ago I found out that this wasn't the case and my cancer had spread to my liver. And that's when I really knew that my cancer meant business!

And that is where Kadcyla comes in. You see for breast cancer, although I coped and kept going with surgery, chemo and radiotherapy, it was grim. I worked a bit, but regular chemotherapy is not a doddle. Exhaustion and hair loss is just the least of it.

Putting on a brave face and wearing a wig is just a surface issue, getting up vomiting and going to work to deal with the VAT is about the hardest thing I have ever done. It wasn't simply because I don't have enough sick pay at work to cover my mortgage, I actually like work—work allows me to make my contribution, and I think that's pretty near the most important thing, making my life make a difference. And Kadcyla? Well that means that my life isn't over, it really gives me hope.

There is a big hole where my 45 mm tumour used to be in my liver, and scar tissue and other bits, but I am cancer free without having to take another year off my life. My work is precious; I have kept the business going. Eight people are employed, because I could keep going, and Kadcyla made it possible for me."

Mary Creagh (Wakefield) (Lab): I congratulate my hon. Friend on securing this debate. She certainly makes a powerful speech on behalf of her friend. Does she agree that when NICE looks at the cost-value ratio, stories such as that of her friend, who kept eight people in work, should also be a factor? We should be looking at women's economic life and economic role, in both the workplace and the home.

Siobhain McDonagh: I completely agree with my hon. Friend. I appreciate that the equations and calculations are difficult, and I do not underestimate NICE's work, but it is about life and quality of life, and it is about so many more people than only those who have the cancer.

My friend Leslie said:

"In 2013 my world was turned upside down when I was diagnosed with inflammatory breast cancer, a rare and aggressive kind of cancer that develops in the lymph vessels.

After 15 months' treatment comprising 8 chemotherapy treatments, a mastectomy, 15 radiotherapy treatments and a year of Herceptin, it appeared that the cancer had gone. However, 4 months later I noticed a rash around the scar tissue of the mastectomy and a biopsy showed that the cancer had recurred in my skin.

My oncologist told me that I was in a very tight corner. Because the cancer had returned so quickly I wasn't eligible for the usual drug treatments, radiotherapy wasn't an option because I had recently completed a course, and surgery wasn't possible because of the location of the cancer. I was told the cancer was incurable and referred to the Royal Marsden. They confirmed

that surgery was not feasible because the cancer had spread so quickly over a large area making skin grafts impossible. I was told Kadcylla was my best chance.

I have now been treated with Kadcylla for 22 months and I have been told of others that have been treated for 5 years. Signs of the cancer disappeared very quickly and so far I have remained cancer free. Kadcylla has enabled me to live a reasonably normal life and participate in and contribute to my local community. Kadcylla has been a life saver for me and without it my future was very uncertain. I feel profoundly fortunate to have received it and I am incredulous that such an effective drug will now be denied to other people in my situation.”

I also wish to mention Rosalie, who was featured in Friday’s *Evening Standard*. She is just 33 and is living with incurable breast cancer. She is a single parent to two children, aged three and six, and is terrified of a future without the option of Kadcylla and terrified of her kids’ growing up alone. These are Rosalie’s own words:

“I hate feeling like a victim. But I have to fight for my kids. They are more important than me feeling vulnerable about going public. I have to fight for life for them.”

Then there is Mani. Members may have seen her last week on the “Victoria Derbyshire” programme when she spoke so eloquently about how Kadcylla had given her hope. She said that it had improved her life both significantly and quickly, enabling her to live a much fuller and richer life, going on holiday and playing an active part in her young daughter’s life.

These are just a few of the many women whose lives have been made possible through access to Kadcylla. I am sure that many hon. Members will share the experiences of their constituents. The hon. Member for Croydon South (Chris Philp) will no doubt talk about the incredible Bonnie Fox, the face of the Keep Kadcylla campaign of Breast Cancer Now. Thanks to the hard work of Bonnie and of Breast Cancer Now, this campaign has seen more than 100,000 people sign the petition, calling for NICE and Roche to come together to reassess the decision and find a solution to keep Kadcylla available.

Bonnie is an incredible advocate for the Keep Kadcylla campaign, inspiring so many others as she leads the case for this treatment. Bonnie says that her inspiration comes from wanting to have as much time as possible with her two-year-old son, Barnaby. These are her own words:

“I already feel cheated being diagnosed with secondary breast cancer at 37 with a baby, so having a drug taken away that would potentially add years to my life and give me more quality time with my son is so cruel.”

Norman Lamb: I am really grateful to the hon. Lady for giving way again. She will be aware that the Government’s accelerated access review last October recommended that NICE should review its whole health technology assessment processes and methods. Is she concerned that the review of Kadcylla and other drugs under the cancer drugs fund is happening before that review takes place? We might learn the lessons about how the review process needs to improve, but we will not benefit from them.

Siobhain McDonagh: I agree with the right hon. Gentleman. I am sure that he knows more about this process than I do. It clearly makes sense to consider these unique, unusual first-tier drugs in the light of that reconsideration.

I hope that we will hear the stories of the many women whose lives, having been affected by secondary breast cancer, have been enriched by Kadcylla. The drug Kadcylla matters so much to all these women for one simple reason: it works. It is effective. It has already been available on the NHS for more than two years and, compared with other treatments, its side effects are limited. Today, it is nothing short of a tragedy to know that countless women who thought that Kadcylla would be the next treatment they would receive for their breast cancer are having their lives shortened before their eyes.

I ask Members to imagine this: they are living with breast cancer; there is no cure, but there is something that could give them extra time with the people they love—the people who depend on them. It could be a year, five years or even longer. If they needed the drug today, the NHS would give it to them, but if they needed it in a few months’ time, they may have lost their chance.

Dr Rupa Huq (Ealing Central and Acton) (Lab): My hon. Friend is making a very powerful speech. May I congratulate her on securing this debate, and say how proud I am to be a co-signatory? The phenomenon of there being drugs in the pipeline that would make a vital difference to patients, but which are being held up by conflict between NICE and pharmaceutical companies over pricing or value for money, applies not only to breast cancer but to other cancers, too. My constituent David Innes is one of 20,000 sufferers of chronic lymphocytic leukaemia. He was diagnosed in 2009, when he was 39. He was in Parliament earlier this week, making the same argument, and saying that both parties need to end the logjam and come up with a deal to ensure the availability of these drugs. They need to put patients first. Life is too short not to do so.

Siobhain McDonagh: I completely agree with my hon. Friend. I wish her constituent, David, all the best.

How can we withdraw a drug from the NHS that is working, especially when we are offering nothing in its place? It seems senseless to me, and it is truly devastating to those for whom it really matters. Of course, as my hon. Friend says, Kadcylla is just one drug that we need to look at. What will happen with other key breast cancer drugs now and in the future? I wish to consider just two more examples. Perjeta is currently available through the cancer drugs fund, but unlike Kadcylla it has not yet been re-appraised, although it will be soon. Perjeta is used for HER2 positive secondary breast cancer patients. In many ways it is even more effective than Kadcylla, as it enables women to live for an additional six months without their breast cancer progressing, and can extend life by an additional six months or more. However, because it is administered with two other drugs—Herceptin and Docetaxel—it would not be considered cost-effective under NICE standards even if the drug manufacturer gave it away for free.

The other drug is Palbociclib, which is used on women with hormone receptor positive and HER2 negative breast cancer. It is a new drug, which is being assessed for the first time by NICE. It is extremely effective and enables women to live for at least an additional 10 months without their breast cancer progressing. However, because women are living longer, robust overall survival data are not yet available. Perversely, that will count against it in

[*Siobhain McDonagh*]

the NICE appraisal. Overall survival data are given greater weight than progression-free survival in NICE appraisals, despite the fact that the outcome is the same—a longer, more enriched life.

We are seeing effective treatment after effective treatment being rejected or facing rejection by NICE. I want to know this: is it really right that we have a health service that plans to take away those lifelines? How is the decision to take away these life-extending drugs beneficial for people living with cancer, or for any of us who might one day need access to them? Who makes these decisions, and how can we be sure that they are the right ones?

We have a drug appraisal process, which is certainly valuable and necessary, but I question the factors that constitute that process. It is too easy to assume that the experts must automatically be right. The process is: numbers in, formula used, and then a yes or no answer. Let us not forget that we are talking about people's lives. The lives of those affected and those for whom this decision is all too real are in the hands of a formula—the NICE appraisal process—and yet this life-changing formula has had little examination for many years. How many of us actually understand what factors are taken into account in these life-or-death decisions? The drug Palbociclib is proving so effective that, at present, it only has data on how long people are living without their breast cancer progressing.

Julie Elliott (Sunderland Central) (Lab): Does my hon. Friend agree that the fact that that drug is routinely available in France, Germany, Austria and Canada shows that our appraisal system is not working in this country.

Siobhain McDonagh: I agree with my hon. Friend. It is amazing to think that, for this particular drug, it will take longer to get overall survival data because people are living longer without their cancer spreading. That obvious success is seen as a big disadvantage in the NICE appraisal system. The cost of Palbociclib will appear to be much higher in the NICE formula because overall survival data are given much more weight than progression-free survival. That seems illogical to me.

Consider also the criteria for determining end-of-life treatment. If a treatment is end-of-life, it is allowed double the quality-adjusted life year costings of other drugs. End-of-life is considered to be two years, but why not three? How have we ended up with such an arbitrary, fixed figure, especially when the figure in Scotland is three years? There is no cure for secondary breast cancer, but as people start to live longer it will place them at a disadvantage when accessing treatments, because it will be harder for those treatments to become approved, as they are no longer considered under the end-of-life criteria.

Therefore, how can the Minister be sure that the NICE process is still fit for purpose? Will she respond specifically on two suggestions: first, to review the weighting for progression-free survival when overall survival is not available because a treatment is so effective; and secondly, to change the criteria for end-of-life treatment to three years' survival instead of two?

I want to return to the issue of off-patent treatments. In recent years there have been two private Members'

Bills on the topic, one of which was introduced by my hon. Friend the Member for Torfaen (Nick Thomas-Symonds). We heard many commitments from the then Minister for Life Sciences, but we have not yet seen any improvement in access, which is hugely disappointing. The Minister committed to establishing a working group to investigate what could be done to enable the routine use of such treatments. I believe that the working group is due to conclude its work next month and publish its report. Will the report introduce a clear pathway for off-patent treatments, and will the Minister write to me with the details of the pathway and state explicitly how it will work for bisphosphonate drugs for the prevention of secondary breast cancer?

Breast Cancer Now and others have been disappointed by the extremely patchy availability of this treatment for eligible women. As a result, it recently launched the "43p a day" campaign to highlight the low cost of the treatment and the fact that it would save over 1,000 lives every year in the UK if it was routinely available, not to mention millions of pounds for the NHS.

Chris Philp (Croydon South) (Con): I congratulate the hon. Lady on securing the debate. I want to put on the record my support for the case she is making and draw the House's attention to the case of my constituent Bonnie Fox—she is in the Gallery today—who is suffering in the way the hon. Lady has described, and whose life chances would be greatly improved if something more could be done to preserve the availability of Kadcylla. I once again express my support for the case the hon. Lady is so eloquently making.

Siobhain McDonagh: I thank the hon. Gentleman. He is very lucky to have a constituent as exceptional as Bonnie Fox, who has already been mentioned because of all her work.

As a result of Breast Cancer Now's campaign, the Minister has said that clinical commissioning groups are responsible for commissioning the treatment for bisphosphonates. What contact has been made with CCGs on the use of this treatment in these circumstances? As I understand it, the treatment presents a challenge to existing commissioning arrangements because it does not fit squarely into either specialised services, which are commissioned by NHS England, or local commissioning by CCGs. Does the Minister agree that if we want genuine progress on the availability of this treatment, we cannot take the path of least resistance and just say, "It's up to CCGs; CCGs are independent bodies and can make their own decisions." That is the "do nothing" option.

Treatments do not always fit into the neat categories that we create. This is an old treatment that requires a new approach. It requires our commissioning strategists at NHS England to make a considered decision about how to commission the treatment routinely. Will the Minister agree to meet Ian Dodge, the national director for commissioning strategy, to discuss this specific case with him and will she keep Members here today updated on those discussions? Will she also agree that it is indeed worrying that a treatment that could prevent over 1,000 women getting secondary breast cancer every year is not routinely available?

Finally—I think that everybody will be delighted that I am about to finish—I hope that the Minister will

consider meeting some of the women affected by the decision on Kadcyła and the women from Breast Cancer Now who are here today. I would like to thank those women in the Public Gallery for coming here to show their support for this debate en masse. I wish every single one of them well. Access to life-enhancing and life-saving drugs should be a right in the UK, not a decision based on a lottery of access to private healthcare. I sincerely hope that NICE will reverse its decision and give every woman with secondary breast cancer their future back.

2.25 pm

Iain Stewart (Milton Keynes South) (Con): I congratulate the hon. Member for Mitcham and Morden (Siobhain McDonagh) on securing this important debate and setting out her case so powerfully. I agree with pretty much everything she said. I know that several Members wish to speak, so I will not detain the House by simply repeating all those points.

My motivation in speaking today comes from a meeting I had at my constituency surgery just a few weeks ago with my constituent Joanna Mears and her husband. Like many other sufferers, they are watching our proceedings from the Public Gallery. Mrs Mears suffers from secondary breast cancer. Although, sadly, her condition is terminal, she is responding well to her existing medication and has already had more than twice the expected benefit span. When the point comes that the medication no longer has that effect, her only remaining option will be Kadcyła. Naturally, she is very concerned about NICE's decision.

Sir Desmond Swayne: This is essentially the same question I asked earlier. I think that we all accept that a mistake has been made and that the decision was wrong. The key question is this: what is the remedy? Does the remedy lie within NICE's remit, and therefore it could change its procedures and considerations, or does it lie within the statutory framework that Parliament and Government have set for it to work within? We have to come to an answer on that.

Iain Stewart: I am grateful to my right hon. Friend for that question. My answer is pretty much the same as that of the hon. Member for Mitcham and Morden. In this specific case, I hope that there is scope for NICE and Roche, the manufacturer of Kadcyła, to sit down and agree some compromise. I received a briefing note from Roche this morning stating that it was willing to do that, so I hope that NICE will respond in kind. Its consultation ended last week. As the hon. Lady said, and as my right hon. Friend rightly points out, there is a broader issue for other drugs. Perhaps it is time to look again at the appraisal system and the cost mechanisms so that we do not keep returning to this debate every time a new drug is identified and there is a question about its affordability under the cancer drugs fund.

Mr Jim Cunningham (Coventry South) (Lab): I agree, because it is not only about the drugs we are debating today; we have had problems before in relation to NICE. In answer to the question from the right hon. Member for New Forest West (Sir Desmond Swayne), I think that the Minister should look at the procedures and at NICE itself, because otherwise we will keep

coming back to this issue time and again. The years I have spent listening to the same issues with different drugs is nobody's business, to use an expression.

Iain Stewart: The hon. Gentleman makes an important point. I do not pretend to be an expert on how NICE works, but I hope to bring to the debate the personal experience of my constituent and underline the human effect of these issues. I do not necessarily have a solution, but I hope that the outcome of the debate will be that we not only consider Kadcyła, but take a fresh look at the whole process.

Mary Creagh: The NICE framework works very well for mass drugs for the entire population or where a whole vaccination is going to work, but for very small numbers of people, such as the 1,200 women who really need this drug, I do not think it is as effective a process. There are two organisations in this negotiation, NICE and Roche, and we must not have Roche seeing its new drugs Perjeta and Kadcyła as a new cash cow as Herceptin goes off-patent in 2017-18. Women's lives should not be treated as cash cows by this drugs company.

Iain Stewart: I agree with the hon. Lady. I have not had any personal discussions with Roche; I can only refer to and take at face value the briefing note that it sent me early this morning, which seemed to represent a genuine wish to negotiate with NICE and get the drug down to an acceptable price. I hope the debate is joined in that spirit.

Perhaps it is appropriate to mention now something I was going to bring up later in my speech: one area that needs to be examined is the pharmaceutical price regulation scheme, which is a five-year voluntary contract between the pharmaceutical companies and NICE. If I understand how it is intended to work, the pharmaceutical companies will underwrite any overspend for a particular drug. For various reasons that does not seem to be working in practice. I urge my hon. Friend the Minister to look at that point, which has been made by some in the industry.

In the case of my constituent, Mrs Mears, when her current medication ceases to be effective, Kadcyła is the only option. Although she has responded well to the current treatment, there is every likelihood, and her consultant agrees, that she will respond in a similarly positive way to Kadcyła. There is every chance that she would enjoy the benefits of that drug for a time well in excess of the expected nine months. I would therefore argue that a blanket ban on the drug would be inappropriate. At the very least, there should be some flexibility in the system to make the drug available to people such as my constituent, for whom there is a very high probability that it would have more than the expected benefit. She has responded so well to her existing drug, and if her life could be extended considerably by Kadcyła, that would allow more research to be done on the efficacy of her existing medication, which would be an important body of evidence to add to the appraisal process.

The hon. Member for Mitcham and Morden rightly said that the prescription of drugs should be based solely on clinical need and no other factor, but when I met Mrs Mears, she made one point to me that I could not really answer. Through her life, she worked professionally in the criminal justice system and has done a lot of work saving the public purse money by

[Iain Stewart]

innovating programmes to reduce youth offending. That value cannot be calculated, but she made the point to me, “At the one point in my life that I need something back from this country, it is being denied to me.” I really could not give an answer to that. I hope that something can be done to make the drug available.

The NICE decision is provisional. I contributed to the consultation and I hope that when NICE meets next—in, I think, early March—it will review the decision.

I know that NHS resources are finite and that there are many competing demands on its budget. The debate on the overall size of the NHS budget must be a matter for another time, but cases such as this illustrate the need to use what resources we have as efficiently as possible. Just before I met Mrs Mears the other week, I happened to see a story in the media that really made my blood boil. I do not pretend to be an expert on the prescription system, but I simply put this on the table. The story reported that the NHS wastes about £80 million per annum by prescribing simple painkillers such as paracetamol, which can be bought in a supermarket for 20p or 30p a packet. Those prescriptions go through the usual prescription system and cost £80 million a year. Surely there is a way of getting around that, perhaps by giving GP practices a stock of basic painkillers. I am not asking for people who get free prescriptions to start paying but, surely, there is a way for doctors to issue them when it is appropriate to do so, and stop this merry-go-round of paperwork that costs many millions of pounds.

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): The hon. Gentleman is making a very valuable point. Does he agree that one way around this issue would be to have prescribing pharmacists who could give out medications such as those basic painkillers, without the need for the patient even to see their GP, which would also free up valuable GP time?

Iain Stewart: That sounds an eminently sensible suggestion. As I say, I do not pretend to be an expert on the system, but, surely, something like that could be done. Then the money saved could be added to the cancer drugs fund and make more drugs such as Kadcyła available to people who need them.

I will end my comments, as I know there are many Members who want to contribute. Please let us try to do everything we can in this House to encourage NICE and Roche to look at the overall system and to look in particular at this drug. It means so much to my constituent and to many others up and down the country. I hope that this debate has that effect. I conclude where I started, by congratulating the hon. Member for Mitcham and Morden on securing it.

2.36 pm

Nick Thomas-Symonds (Torfaen) (Lab): I begin by thanking the Backbench Business Committee for selecting this very important topic for debate this afternoon. I pay tribute to my hon. Friend the Member for Mitcham and Morden (Siobhain McDonagh) for the passionate but very thoughtful way in which she introduced the debate. I endorse everything that she said. On the drug

Kadcyła, she said, quite pithily, that, first, it works and, secondly, it has far fewer side effects than many other cancer drugs. I was also very proud to have backed the “43p a day” campaign that she mentioned.

I declare an interest as the chair of the all-party group on off-patent drugs and should also say that one of my first actions as a Member of this House in 2015 was to become a breast cancer ambassador. I was very proud to do that, as the person who inspired me to come into politics, my grandmother, died of the disease some years ago.

I was lucky enough in my early months in this House to be drawn in the ballot for a private Member’s Bill. I introduced the Off-patent Drugs Bill, and although it was talked out in quite controversial circumstances on 6 November 2015, I was none the less pleased after that to work on a cross-party basis to achieve legislative progress. I pay tribute to the hon. Members for Central Ayrshire (Dr Whitford), for Bury St Edmunds (Jo Churchill) and for Daventry (Chris Heaton-Harris), and to the former Minister for Life Sciences, the hon. Member for Mid Norfolk (George Freeman), for the work that was done in those months to make legislative changes which were incorporated in the Access to Medical Treatments (Innovation) Bill, which received Royal Assent in March last year.

I want to come to the pledges that were made on 29 January 2016 and how things have moved forward since. I say to the Minister that in setting out a number of questions about this matter, I do not necessarily expect them all to be answered in detail in her closing remarks. If there are aspects that she feels she cannot answer in detail, I would be grateful if she wrote to me about them after the debate.

On 29 January 2016, I and others in the House tabled a package of amendments to the Access to Medical Treatments (Innovation) Bill. Some were substantial and went into the Bill. Others were probing amendments designed to extract the promises that I have talked about. The then Minister for Life Sciences said:

“Broadly, the intention of the package of amendments is to introduce off-label repurposed medicines in the Bill, and to put it four square at the heart of the agenda.”

That is precisely what we sought to do that day. He added:

“I wholeheartedly supported the intention of his Bill and its predecessor, but not the mechanism. We now have a mechanism that will work”—

we had spoken that day about the mechanism.

One of the amendments requested an action plan, but the Minister decided he did not want that on the face of the Bill. However, he said:

“let me set out my commitment and that of the Government to pursuing this agenda with time and rigour.” —[*Official Report*, 29 January 2016; Vol. 605, c. 543.]

Dr Huq: I remember very well my hon. Friend’s Bill and the shameful way it was talked out by the professional filibusterers on the Government Benches. However, does he not agree that any action plan needs to look at these things in the round? It should look at the poor post-diagnosis support and information that patients get across other types of cancer, not just breast cancer.

It should also look at the limited availability of the effective drugs we have talked about, which do not have side effects, and at the fact that drugs have been de-listed from the Cancer Drugs Fund.

Nick Thomas-Symonds: I certainly agree that the pathway has to be comprehensive, and I will come back to it in a moment.

In addition that day, the then Minister for Life Sciences said he would

“explore mechanisms for ensuring NICE can look at evidence and develop evidence-based guidance on off-label medicines, so that doctors are aware of which drugs are being used in an off-label indication...NICE is now looking at ways to collect evidence on repurposed medicines.”

He spoke about the “British National Formulary”, and I am pleased about the progress that has been made on it, which I will come back to in a moment.

We proposed—this would have applied to NHS England—that there should be a new system of national commissioning for repurposed drugs. Again, our amendment was not accepted, but this pledge was given:

“The NHS is hungry to look at all options for promoting off-label and repurposed drug use.”—[*Official Report*, 29 January 2016; Vol. 605, c. 544-45.]

I hope that that pledge can be repeated by the Minister at the Dispatch Box today. There was also a commitment to consult all relevant stakeholders. Again, I would hope that that is fairly uncontroversial and can be repeated.

Let me come now to where we have got to. When I intervened on my hon. Friend the Member for Mitcham and Morden, I quoted the worrying statistic about bisphosphonates, which really do provide a case in point. They are used to treat osteoporosis, but they are very effective in their secondary form—the repurposed form—where someone has primary breast cancer, and they certainly help to prevent that from spreading to the bone. The statistic that only 24% of clinicians are prescribing bisphosphonates is very worrying, and it does need to be addressed, because there should be no barrier in the system to their being far more widely prescribed than they are.

Let me come to the working group. I understand that it will conclude at the end of next month. I am very grateful for the fact that I will be meeting officials from the Pharmacy and Medicines Directorate in the next few weeks to discuss this issue. However, if there is to be a pathway, I would appreciate it if the Minister was prepared to share it with me in draft form before that meeting, so that comments could be made on it, particularly going back to the pledges made last year.

The “British National Formulary” has begun work. Indeed, I looked up bisphosphonates specifically on BNF Online before I came to the debate. What makes the 24% statistic even more worrying is that BNF Online says:

“The use of bisphosphonates in patients with metastatic breast cancer may reduce pain and prevent skeletal complications of bone metastases.”

That is there already—it is in the prescriber’s bible, if you like—so the Minister really should focus on why it is not filtering through the system in the way that it should.

In addition, there is a pilot licensing scheme that brings together medical research charities and generics manufacturers to license off-patent drugs for their new purposes. If the Minister could comment on whether she is looking for that to become a fully fledged scheme, that would be helpful.

The scheme is an interesting development, because my Bill, in its original form, would actually have put a duty on the Secretary of State for Health to seek licences for drugs in their new indications, and that was the bone of contention between me and the then Minister, who thought that it was too onerous for the Secretary of State to have that duty.

Looking back at that debate, I think the other interesting thing is that a point was made about the EU’s licensing scheme. It was said that any changes could run a coach and horses through that scheme, but given that we will not be members of the European Union by the end of this Parliament, I would be interested to hear how the Minister thinks the end of the Brexit process will affect this issue. If the European licensing scheme was seen by the Minister at the time as posing something of a problem, perhaps she can tell us if she will consider whether the pilot licensing scheme can now become fully fledged and how she sees things developing here in the UK without the European scheme.

I appreciate that I have put a lot of points to the Minister. As I said, I am perfectly happy for her to write to me about them. However, we should not forget the difference that this off-patent drugs agenda can make to people’s lives. Those who face this disease show incredible bravery. For example, we have my hon. Friend the Member for Bristol West (Thangam Debbonaire) in the Chamber with us, and Bonnie Fox, a constituent of the hon. Member for Croydon South (Chris Philp), is in the Public Gallery. We in this House, as legislators, owe a duty to all who suffer from this terrible disease to take all possible steps to make what are extraordinarily cheap drugs as readily available throughout our country as possible.

2.46 pm

Mrs Flick Drummond (Portsmouth South) (Con): It is a pleasure to speak in the debate, and I congratulate the hon. Member for Mitcham and Morden (Siobhain McDonagh) on securing it. I was really honoured to be able to back the application to the Backbench Business Committee. I also thank her for her powerful speech, which was very moving.

Fighting cancer is not just a top priority for the NHS but one of the great scientific challenges of our time. Treating our illnesses with science rather than superstition is a relatively new idea in the history of medicine. However, the acceleration of better diagnosis, better treatment and more successful outcomes is keeping more of us alive for longer, and with a better quality of life.

The motion mentions Kadcyra, a treatment that NICE is not currently able to recommend for the treatment of secondary breast cancer, and we await the result of its consultation in March. This treatment is a relative of another medicine, which, in its introduction, was also extremely controversial—Herceptin. After a lot of consideration by NICE and a lot of debate and pressure from this House, Herceptin was approved. It has helped thousands of people—men get breast cancer too—in fighting breast cancer.

[Mrs Flick Drummond]

Kadcyla is a treatment that could help women who have already been on an Herceptin-based treatment and whose cancer has continued to advance. We must be clear when we talk about secondary, or metastatic, cancer that we are talking about people whose lives will be massively shortened by cancer. Kadcyla gives them and their families more time and a better quality of life. It can add months to the life expectancy of patients whose remaining lives are likely to be measured in only a few months. The hon. Lady movingly talked about some of her friends and some of those in the Public Gallery.

I think we all understand that there are ultimate financial constraints on the NHS, even though spending on it has increased. I really welcome the new cancer drugs fund, which provides patients with much better access to the most promising new cancer treatments, while providing value for the taxpayer.

Mrs Theresa Villiers (Chipping Barnet) (Con): I was profoundly moved by the case of my constituent, Rosalie Marshall, who sadly is suffering from breast cancer. She told me that she finds it hard to understand why the NHS can spend such significant sums on conditions which, frankly, are not life-threatening and sometimes seem to verge on the cosmetic, and yet not give priority to vital drugs like Kadcyla. Surely something is wrong, and savings could be made in other parts of the NHS that would more than pay for Kadcyla.

Mrs Drummond: Yes, I also get emails on the same subject. We have to remember, though, that there are other considerations such as mental health conditions. Sometimes people do not quite understand why money is being spent on various parts of the NHS, but there are always other reasons behind it. However, I totally agree with my right hon. Friend about drugs like this which seem to make such a difference.

In the case of Kadcyla, there do seem to be questions as to why it cannot be brought into regular use. Some of those questions are for NICE and some are for the manufacturer. Kadcyla is a treatment that has been accepted by a number of European countries, despite the expense. I am reassured to see that many cancer charities accept that NICE has made every effort so far to fund it, and that NICE has been doing its best. However, there remains the question of how NICE's apparent final position stands up by comparison with other European countries—France and Germany, for instance. France's equivalent of NICE considered Kadcyla in exactly the same way as NICE has, and has approved it.

Another query is based on the choice of comparator treatment in assessing the quality of Kadcyla as a treatment. There have been concerns that the comparator treatment—Lapatinib and Capecitabine; I hope that *Hansard* will be able to report that rather better than I can say it—is no longer available on the NHS. The drug's manufacturer carries the comparison on its own website, with the outcome of a clinical trial codenamed EMILIA. However, it does not seem realistic to base a decision on a drug on a comparison with another drug that is not available on the NHS either. It would help everyone to understand the comparison if it was made with a drug that is generally available.

Can the Minister tell us the status of Roche's study under the name ESTHER, which is looking at Kadcyla? In the event that NICE does not revise its decision now, will it be open to it to do so when it gets the ESTHER conclusions? That trial is not scheduled to report until 2023, so the immediate concerns about availability remain. However, I recognise that research goes on constantly, and that perhaps the manufacturer will reconsider its position. It is unfortunate that NICE has been subjected to sustained attacks by the manufacturer, Roche, which has risked undermining NICE's reputation in a most unjustified way. I call on Roche to get round the table with NICE and look again at the pricing of this drug, as it has done with others in the past.

Turning to other treatments, I know that the message is going out to clinical commissioning groups about the options available. Many Members will have had campaign emails relating to bisphosphonates, and I was reassured by the response I had from the Department of Health and the Portsmouth clinical commissioning group that they are being made available. Queen Alexandra hospital in Portsmouth has above-average performance in both treatment times and outcomes, and is becoming, if it is not already, a centre of excellence in cancer treatment.

I know that this is a difficult subject and budgets are limited, but like many others in this House, including those in the Gallery, many of my friends and family have died of breast cancer or are survivors. We need to make sure that we are keeping up with the right drugs to treat them, and that sounds like Kadcyla.

2.52 pm

Mike Kane (Wythenshawe and Sale East) (Lab): I congratulate my hon. Friend the Member for Mitcham and Morden (Siobhain McDonagh) on securing this debate. She made an extraordinarily powerful and emotive speech. I join her in wishing everybody who is here today in the Public Gallery and everybody who is watching this debate at home all the very best for the future. It is also a pleasure to follow the hon. Member for Milton Keynes South (Iain Stewart), who made a very powerful speech citing the personal testimony of his constituent, whose case he argued eloquently. My hon. Friend the Member for Torfaen (Nick Thomas-Symonds) spoke eloquently about his grandmother being his inspiration for going into politics, and her dying of the disease. We come into politics for many different reasons, the profession of public pain being one. Nye Bevan did not create the NHS in 1948; he created it much earlier when his father died of pneumoconiosis in his arms before the time of the NHS. I hope that I can pronounce the drugs that I am going to mention just as well as the hon. Member for Portsmouth South (Mrs Drummond) did.

We have heard lots of statistics today. Stats, in themselves, are shocking, and it is also important to remind ourselves that behind every statistic there is a human story. The lives of women, all too often young women and mothers, are being cut cruelly short. We have heard many important interventions about access to breast cancer drugs for treatment of secondary breast cancer. At the heart of the motion is also the issue of how we can improve access to innovative new breast cancer drugs and off-patent drugs used for breast cancer. The use of such drugs relates not only to the treatment of breast cancer but to its prevention. I am immensely proud of the fact that my constituency is home to the Nightingale centre—

Europe's first breast cancer prevention centre—and the charity Prevent Breast Cancer. I am a Mancunian MP, so my constituency also benefits from close proximity to the Christie hospital, the largest single-site cancer centre in Europe, treating more than 44,000 patients a year.

The Nightingale centre opened at University Hospital of South Manchester—Wythenshawe hospital—in July 2007. It offers state-of-the-art diagnostic and treatment services to women and men with breast cancer and co-ordinates the NHS breast screening programme for the entire Greater Manchester area. It also provides training facilities aimed at addressing the shortage of breast cancer specialists, and it houses many of the Prevent Breast Cancer researchers who are looking at ways to predict and prevent breast cancer.

In the Prevent Breast Cancer research unit, several drugs that are now out of patent are being repurposed for preventing cancer from coming back. Women with a family history or other factors that make them high risk are known to benefit from these drugs, which prevent the disease. But women in that position find it difficult to obtain these inexpensive, tried-and-tested drugs because they are currently not listed in the “British National Formulary” as specifically licensed for the new purpose of prevention, despite successful clinical trials. There are currently three drugs in that situation: Tamoxifen, Raloxifene and Anastrozole.

Nick Thomas-Symonds: Will my hon. Friend give way?

Mike Kane: I would be happy to give way, having got the names of those drugs right.

Nick Thomas-Symonds: I understand that a new policy is being put together by those in charge of the “British National Formulary”, which will set out how they will get more off-label drugs into the formulary. Does my hon. Friend agree that the sooner that policy is available for us to see the better?

Mike Kane: I congratulate my hon. Friend on doing so much work in this area since he came to Parliament. We can only hope that what he says is true; perhaps the Minister can give us more information on that point in her summing up.

The Prevent Breast Cancer research unit has more out-of-patent drugs under investigation for breast cancer prevention which may be even better for the future. As well as doing everything we can to extend the life of women with secondary breast cancer, we must do all we can to prevent breast cancer from occurring in the first place. As we all know, the adage is that prevention is better than cure. For those with secondary cancer, for whom cure is currently out of reach, many people will be striving to achieve that for the next generation.

At the moment, the system is standing in the way. A solution to make those drugs more widely available that would cost very little money indeed would be to ask NICE to list such drugs as approved for the new indication of prevention in the “British National Formulary”—following the evaluation of relevant clinical trials, of course—so that doctors can have confidence in prescribing them. The requirement to obtain a new Medicines and Healthcare Products Regulatory Agency licence for the

new indication is expensive and impractical for repurposed medications, because they usually lack a sponsoring pharmaceutical company to champion the new use of the generic drug. I am sure the Minister would agree that such a small change would be transformative in the prevention of breast cancer. I hope that she will ask NICE to consider that change to the way in which drugs are listed in the “British National Formulary” to allow drugs that have been evaluated for a new purpose, such as prevention, to be listed as approved for that purpose.

When we lose someone prematurely to cancer, grief obviously follows. It has been my experience that when we lose someone to breast cancer, the grief is particularly poignant. Tonight, my thoughts and prayers will be with all my constituents who have either succumbed to the disease or are battling it, and with their families who carry the consequences. I lost my cousin Maura Kane to the disease, and my two friends Tom and Claire both lost their mothers to it. I stand in solidarity with my constituent and friend Sheila Higgins, who is battling this disease. She has been like a mother to me for the last two decades. Finally, my parliamentary assistant Suzanne Richards came back to work after Christmas with a clean bill of health. She was diagnosed with a virulent strain last year, but she had world-class treatment at the Wythenshawe and Christie hospitals. Today is her birthday, but it is a birthday that many of us feared she would never see—happy birthday, Suzanne.

3 pm

Victoria Atkins (Louth and Horncastle) (Con): I thank the hon. Member for Mitcham and Morden (Siobhain McDonagh) for securing this debate. It is a great pleasure to follow the hon. Member for Wythenshawe and Sale East (Mike Kane). I am sure everyone in the House wishes his assistant a very happy and fulfilling birthday, and many more to come.

Sadly, most families in this country have had some experience of cancer at some point, and we have heard of many compelling examples today. As we debate the difficult topic of the provision of medicines to those who need them, I am very conscious that discussions about prices and the costs of drugs mean nothing, frankly, to the wives, daughters, mothers and grandmothers who simply want to live for the next week, the next month or the next year to see their next birthday or the birthday of a loved one.

I do not underestimate the task facing NICE, but having listened to the speeches today, we must ask why countries such as France and Germany have approved this drug, when NICE drew the initial conclusion it did at the end of last year. I know that the Minister is listening carefully, and I hope that our questions and thoughts on this process will feed into a larger review of how NICE looks at this and other drugs, and of whether the process is as correct and appropriate as it should be. I am a big believer in saying that any system run by human beings can always be made better, and I wonder whether this is such an example.

I want to look at Lincolnshire, the county in which my constituency is situated. I am pleased that we have better than average cancer screening in the county. What worries me, however, is that when it comes to diagnosing the early signs of breast cancer, my local clinical commissioning group ranks third from the bottom in the United Kingdom. That is very significant because,

[Victoria Atkins]

as we all know in this House and beyond it, the earlier the diagnosis of cancer, whether first stage or secondary, the better the chances of successful treatment.

The treatment of secondary breast cancer is particularly relevant to my constituency. I have met representatives from Breast Cancer Care—I say “representatives”, but they are women, mums and wives—and I was incredibly moved to hear the stories of their experiences of living with secondary breast cancer. I commend the vital work that the charity has done, particularly its “Secondary, not second-rate” campaign looking at the barriers preventing the improvement of care for those with secondary breast cancer.

Breast Cancer Care highlighted to me the key point that unless our hospital trusts collect specific data on how many people have been diagnosed with secondary breast cancer, they cannot accurately plan services for those patients. I was shocked to learn that two thirds of hospital trusts in this country do not collect those data. Sadly, my hospital trust—the United Lincolnshire Hospitals NHS Trust—is one of those trusts. I urge my hospital trust and others across the country to start to collect those data, so that the services provided to women with secondary breast cancer can be planned properly and effectively.

The Minister will want to tell the House about the success of the cancer drugs fund. We know that 95,000 people have received the life-extending drugs they need through the fund. However, we must always strive to look at new ways of making sure that patients have access to innovative new medicines, diagnostics and medical technologies, as is happening through the accelerated access review plans.

I also welcome the Government’s commitment to making sure that the prices charged to the NHS are fair and not inflated. I cannot be the only Member who was shocked and pretty disgusted by some of the headlines that have appeared in newspapers recently about the conduct of some companies in massively inflating the price of patent drugs. I am pleased that that loophole will be closed by the Health Service Medical Supplies (Costs) Bill, which is currently in the other place. I urge the Secretary of State to ensure, as I know he is doing, that the Competition and Markets Authority keeps a close eye on the matter. Unfair practices should not conspire against our constituents, neighbours, friends and families when it comes to cancer treatment.

I know that my hon. Friend the Minister has listened carefully to the concerns raised in this informative and engaging debate. I hope that a solution is reached quickly between NICE and Roche if the problem is that the price charged for the drug is simply too high. I join other Members in wishing every single woman in this country who is battling first stage or secondary cancer the very best of luck. I hope those women feel that the debate has done them proud.

3.6 pm

Mr Steve Baker (Wycombe) (Con): I congratulate the hon. Member for Mitcham and Morden (Siobhain McDonagh) on securing the debate. Like other hon. Members, I am here today to represent my constituents’ concerns. I should say from the off that I join the cause to make Kadcyla more available.

When my staff and I were discussing the correspondence about the debate and particular constituency cases, we quickly agreed that this is the worst sort of correspondence that we receive—when people are terminally ill but unable to access the medicines that they need. The subject is particularly acute—I do not think that I am the first Member to struggle to keep a quaver out of my voice—because my mother-in-law died of secondary cancer. These things will stay with us all. None of us can know what ladies who are currently suffering from these diseases are going through, but when we have seen it at second hand, we all want to live in a world where the NHS does not have to practise any rationing.

I want to focus on that point because, as the hon. Member for Coventry South (Mr Cunningham) said, the problem is intractable. I know about some of the great difficulties in bringing forward Abiraterone to help men, in a similar set of circumstances, suffering from prostate cancer. In a sense, I sympathise with the Minister and with NICE because they have an extremely difficult task. While it is easy for all of us to say that of course Kadcyla should be freely available to all those who need it without restriction, I am well aware that the problem is long-standing and applies to many innovative pharmaceuticals.

I also appreciate that it is no comfort whatever to sufferers of various cancers to know that a profit-making pharmaceutical system has a far better record of innovation than the alternative planned systems. I wish the Minister every success in her crucial task of working out how to ensure that innovative medicines come forward at a lower cost and a greater rate.

3.8 pm

Martyn Day (Linlithgow and East Falkirk) (SNP): It is a pleasure to take part in today’s important debate and I thank the hon. Member for Mitcham and Morden (Siobhain McDonagh) for securing it. I am grateful to her for her contribution and the cases that she used to illustrate it. She eloquently put a human face to the problem.

The debate about access to Kadcyla and other breast cancer drugs is of immense interest to the public on both sides of the border. Breast cancer is the most common cancer, which was shown by the many individual constituency cases cited by hon. Members of all parties today.

As has been said, Kadcyla is an effective life-extending treatment, which gives some women with incurable secondary breast cancer up to nine months longer than the alternatives, and has fewer side effects and a cost of around £90,000 per patient. In Scotland, Kadcyla has never been available on the NHS.

The Scottish Medicines Consortium, which makes its decisions independently of Ministers and Parliament, decided in October 2014 not to approve Kadcyla for routine use in Scotland. After considering all the available evidence, it felt that the health benefits were not sufficient in relation to the treatment’s cost. Patients have, therefore, been able to access the drug only in exceptional circumstances through individual patient treatment requests—IPTRs. It is estimated that more than 100 women in Scotland could benefit from Kadcyla annually.

A Kadcyla discount has been offered by the pharmaceutical company Roche and it recently wrote to Scottish Government officials about a patient access

scheme. Roche has now resubmitted its application to the SMC, so that it can be considered for routine use in the NHS across Scotland. That is currently being assessed—

Kirsten Oswald (East Renfrewshire) (SNP): Will my hon. Friend join me in hoping for a positive outcome in relation to Kadcylla for our constituents who are affected by secondary breast cancer, to whom this debate means so much?

Martyn Day: I thank my hon. Friend for that point and I join her in hoping for a positive outcome. We expect a decision to be made in March with an announcement on 10 April.

The SNP Scottish Government have substantially increased access to new medicines, particularly for cancer, with plenty of reforms and investment in recent years. The Scottish Government will build on recent reforms and make further improvements, in collaboration with patients and NHS staff, by accepting the recommendations of Dr Brian Montgomery's review. Shona Robison, Cabinet Secretary for Health, Wellbeing and Sport, has announced that the Scottish Government will take forward all 28 of the review's recommendations. Dr Montgomery was tasked to examine how changes made to the Scottish Medicines Consortium process in 2014 affected access to medicines for rare and end-of-life conditions. His recommendations set out how the process for appraising medicines could be made more open, transparent and robust.

Among the Montgomery recommendations—the House need not worry; I will not list all 28 of them—is to give the SMC an additional decision option of an interim recommendation for use subject to ongoing evaluation, which will allow collection of more data on a medicine's real-world effectiveness. Another is the introduction of managed access agreements, under which medicine would be provided at a discounted price for a period of time, again to collect real-world data on its effectiveness. Another recommendation is to make greater use of national procurement in NHS National Services Scotland—NSS—to lead negotiations on cost with the pharma industry to get the fairest price possible. Better capturing of patient outcome data in the real world is vital to enable us to determine whether medicines are bringing the expected level of benefits to patients.

Beyond the recommendations of the review, Ms Robison has also announced improvements to the processes for non-routine access to medicines on an individual case-by-case basis. The peer approved clinical system or PACS, piloted in Glasgow in 2015 to handle applications for ultra-orphan medicines, has been successfully rolled out across Scotland. A second tier of PACS will now be introduced to replace and build upon the existing individual patient treatment request system. A new national appeals process will be introduced through the new tier of PACS, and that will include consideration of equity of access with other parts of the UK as a material part of its decision-making process.

In November Gregor McNie, Cancer Research UK's senior public affairs manager in Scotland, said:

“SMC does a difficult but necessary job to assess whether new cancer drugs should be made available on the NHS. Following the SMC reforms, we've been pleased to see a significant increase in the availability of cancer drugs in Scotland and we support the review's recommendations to make further progress.”

Breast Cancer NOW has said that

“Scottish Government reforms give fresh hope for a medicines system that will put patients and their families first.”

It also said:

“Scotland's approach to reform is a useful example to the rest of the UK about ways in which the system can be improved.”

Kirsten Oswald: I thank my hon. Friend for his words about the flexibility of approach and the need to continue to keep pushing forward to ensure that we allow access to as many of these drugs as possible for the people who are in such need. Will he join me in commending the Scottish Government and the SMC for that approach, and in hoping that it will continue and make a difference?

Martyn Day: I do indeed join my hon. Friend in those comments.

A new and ambitious Scottish cancer strategy, launched in 2016, aims to stop anyone dying from breast cancer by 2050, and breast cancer is of course a priority in the Scottish Government's Detect Cancer Early initiative. We need to do many things to move forward in that direction.

No debate seems complete these days without reference to Brexit, and this issue is no exception. The Health Secretary has stated that the UK will not be in the European Medicines Agency. If so, there could be implications for the way in which medicines are regulated, and marketing authorisations will be required from the Medicines and Healthcare Products Regulatory Agency for the UK. I am in no doubt that the implications will be less efficiency and possibly longer processes for obtaining authorisations, resulting—I fear—in innovative drugs taking longer to reach patients. Some industry leaders predict delays in the region of 150 days, based on the examples of Switzerland and Canada.

According to a piece that appeared last year in the *Financial Times*, when Sir Michael Rawlins, chair of the MHRA, was asked whether it would be able to take on all the extra work registering new drugs and medical devices currently carried out by the EMA, he said, “Certainly not”. It seems that considerable investment and recruitment will be required to re-establish it as a stand-alone national regulator. I am keen to hear from the Minister how delayed drug access for UK patients will be avoided.

Mr Baker: I have listened carefully to the hon. Gentleman, and of course he raises a perfectly reasonable concern, but the campaign director of Vote Leave had, as one of his particular bugbears, the costs associated with the clinical trials directive and its prejudicial effect on innovation in medicines. I hope that the Government can find a better way through than the previous system and that, in leaving the EU, we will not only solve the problem of the EMA but have a better regulatory system afterwards.

Martyn Day: I thank the hon. Gentleman for his intervention, and I look forward to hearing the outcome.

In conclusion, with regards to Kadcylla, I hope the company's resubmission to the Scottish Medicines Consortium is at a fair price to allow it to be considered for approval for use in the NHS in Scotland. It would give people across Scotland the opportunity to benefit from more treatment options and could give them precious extra time with their families and loved ones. The Scottish Government, the SMC and the NHS have

[*Martyn Day*]

worked hard to reform access to new medicines, but we now need pharmaceutical companies to do their bit by bringing forward much fairer prices for new medicines, so that access is as wide as possible for the people of Scotland. Cost-effectiveness is a key marker in ensuring that drugs are routinely available in the NHS, and I take the opportunity to emphasise that point to the pharmaceutical industry in general.

3.17 pm

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): I thank my hon. Friend the Member for Mitcham and Morden (Siobhain McDonagh) for securing this debate, following the very sad news that her friend Samantha Heath, who had been receiving this life-extending treatment, had heard from NICE that it was being taken away from her. I am pleased that she was able to secure this important debate through the Backbench Business Committee.

I also thank all colleagues who have attended the debate and made excellent speeches, sharing with us their experiences and thoughts, including the hon. Members for Milton Keynes South (Iain Stewart), for Portsmouth South (Mrs Drummond), for Louth and Horncastle (Victoria Atkins) and for Wycombe (Mr Baker), my hon. Friends the Members for Torfaen (Nick Thomas-Symonds) and for Wythenshawe and Sale East (Mike Kane) and the hon. Member for Linlithgow and East Falkirk (Martyn Day), who spoke for the SNP. I am sure that the Minister has been given lots to think about, and I look forward to her response shortly. I also thank Breast Cancer Now for its work campaigning on this matter, along with Breast Cancer Care for its continued dedication and its support and advocacy for individuals with secondary breast cancer.

In my contribution, I will first briefly establish the documented and perceived benefits of Kadcylla, and then, building on that, discuss the broader issues around the provision of off-patent drugs, before moving on to present the problems with determining the funding of a drug based principally on its cost-effectiveness as judged by NICE.

Kadcylla's continued funding through the cancer drugs fund in 2015 was a great success for patients and patient advocates. At the time, the value of the drug was recognised and the concession was made that, despite its high cost, its positive impact was worth the funding it needed. Yet just over a year later, the alterations to the cancer drugs fund have prevented the future funding of this drug, along with, potentially, that of a number of other secondary breast cancer drugs such as palbociclib and Perjeta—I hope that I pronounced those correctly—as it moves towards becoming a funding mechanism for under-researched but innovative drugs with cost and value as a principal driver, and away from its original principle, which was to finance drugs that were too expensive to be recommended by NICE but proved effective in treating cancer patients.

We can all agree that patients have benefited significantly since the introduction of the cancer drugs fund, but the progress that has been made in recent years in improving access to cancer drugs is now at risk. That is unsurprising, given the cash-strapped state of the national health

service—we have discussed that in the House recently in the past few weeks—which faces pressures to provide these costly drugs that are developed by large pharmaceutical companies, and is forced to consider costs rather than clinical need. I hope that the Minister will tell us whether those concerns have been assessed, and how she plans to address them. We have heard a number of good suggestions today about how funding may be redirected.

Mary Glindon (North Tyneside) (Lab): Is not the situation made all the more poignant by the fact that since 2001, the incidence of breast cancer has been rising by 9% every year?

Mrs Hodgson: That is a very good point. It may be that more and more people are coming forward and being diagnosed, but, as my hon. Friend says, this will clearly become more of an issue, not less of an issue, in the years to come.

As we have heard today, it is estimated that Kadcylla benefits 1,200 women every year in England alone, and that on average it can increase the length of a woman's life by six months, although reports suggest that in the case of some women that can stretch into years. Even if it is measured in months, however, the extra time is surely priceless to the women and families involved. I speak from personal experience, as I lost my mother-in-law to secondary breast cancer 20 years ago this year, when my children were very small. I know that she fought for every extra week and day in the end, and that she would have given anything for an extra six months to spend with her grandchildren. We all wanted that little bit longer for her. For all those 1,200 women, that extra time is time with their families. It means seeing their children reach perhaps one more milestone: starting school or university, getting married, or even giving them a grandchild. What is the cost of such moments, such memories, which are so precious and which help families so much with what, ultimately and inevitably, will follow?

Iain Stewart: The hon. Lady has made a powerful point. In the case of the most aggressive cancers, the period between diagnosis and death can be very short. As she says, any extension of life enabling women to celebrate family events, or anything else, is incredibly important, and we should not lose sight of that.

Mrs Hodgson: I agree. What price can be put on those precious months?

Thangam Debonnaire (Bristol West) (Lab): I have some investment in this. My own experience of breast cancer treatment over the last two years has left me passionate about the issue of prevention and early diagnosis. Will my hon. Friend join me in not just thanking the breast cancer charities—as she has already done—but calling on all Members to spread the word among all the women they know that they must learn how to examine their breasts? I learnt how to do it from a comic sketch in a television programme: that is how I diagnosed my lump. I want everyone to learn how to do it, and also to learn what they can do to help prevent breast cancer, because, although there is no magic prevention method, there are ways of reducing the risk.

Mrs Hodgson: Although we have not so far touched on prevention or early diagnosis, they are vital issues. We have discussed them in the House on many occasions, but they can never be discussed too often, and I am grateful to my hon. Friend for raising them. Let me add that I am happy every day to see her back in this place, and doing so well.

What also stands out with Kadcyla is the reduced side effects, as we have heard, as opposed to alternative breast cancer treatments, the side effects of which can include the inducement of osteoporosis and an increased risk of blood clots. As some colleagues will, sadly, know first-hand or through experiences of family and friends or constituents, the side effects of some cancer treatments can be truly awful, and in some cases are daunting enough to prevent the acceptance of further treatment entirely. It is a common perception that women make the decision to end their treatment much earlier than planned, despite it prolonging their life sometimes. That is because they feel the suffering they are enduring as a result of the treatment is not worth the additional life it is providing to them, because it is all about the quality of that life.

Research conducted by Genentech in the United States on the side effects of Kadcyla found that less than 5% of women taking the treatment suffered any hair loss. Through my work as co-chair of the all-party group on breast cancer, I know that hair loss can be a highly traumatic experience for women undergoing cancer treatment and is one of the most discussed side effects of cancer treatment in general. Given that in this debate we are discussing the treatment of secondary breast cancer, which is ultimately a terminal disease, the best outcome we can offer through treatment is both the extension of life and the preservation of the quality of life enjoyed pre-diagnosis. Therefore, because Kadcyla causes fewer side effects, it represents a treatment that can effectively achieve not only an extension of life, but the preservation of some of that quality of life enjoyed by these women pre-diagnosis. So I look forward to hearing from the Minister about what she is doing to ensure women will benefit from this vital treatment in the future.

I will now move on to how we can better support off-patent drugs, especially for breast cancer. Drug patents typically last for 20 years—although sometimes only 10 years—and at the end of that patent there is very little incentive for the drugs to be licensed for use in another indication. These drugs are still clinically effective in many cases and can be a low-cost effective treatment, but currently the NHS has no method for making them routinely available.

Bisphosphonates are one such example of an off-patent drug that is not being made universally available to patients, despite evidence showing its effectiveness. It is estimated that, if given to the entire eligible population, this drug could prevent one in 10 breast cancer deaths. It is therefore concerning that research conducted by the UK Breast Cancer Group found that only 24% of breast cancer clinicians were offering bisphosphonates to patients. Solving this issue therefore provides an opportunity to improve breast cancer survival rates, and it is something that I hope the Minister will consider carefully.

I want to finish by discussing the cost-effectiveness of drugs. Currently NICE measures cost-effectiveness using quality-adjusted life years—QALY—and one QALY is

equal to one year of life in perfect health. As I am sure colleagues will agree, it is almost impossible to objectively measure someone's quality of life, and there are questions surrounding the morality of attempting to do so, as raised in NICE's "Social value judgements" paper on the moral evaluation of drugs.

As is so often the case in these debates, a clear cause of the problem lies with how NICE approves drugs. At the last general election, Labour proposed a top-to-bottom reform of NICE, ensuring that drug acceptance and funding is determined solely by clinical need, not with cost or value considerations. This debate shows there is clearly a need to re-address these issues.

As I have already mentioned, Kadcyla patients tend to experience considerably fewer side effects, and this can potentially have a positive impact on their ability to enjoy a higher quality of life post-diagnosis. Because of practicality and cost implications, it is almost impossible for NICE to comprehensively and effectively measure this exact quality of life. However, what we can say, without a doubt, is that these individuals would suffer a lower quality of life without Kadcyla, and this, I believe, deserves more attention and value in the process of drug approval and funding.

The current funding of drugs is becoming based on the cost-effectiveness of a drug, rather than clinical need, yet, as this debate has shown, it should not be the final deciding factor as it disregards very personal reasons for many people who rely upon drug treatments. Kadcyla has benefited many women during their time living with a terminal disease, and has now been pulled, devastatingly, out of their reach.

It is the Minister who has the levers of power to address the problems in the system which is letting these women down. Members from across this Chamber have eloquently made their case to the Minister. I hope she has listened—I am sure she has—and will give these women and their families some reassurances today.

3.30 pm

The Parliamentary Under-Secretary of State for Health (Nicola Blackwood): A large number of important and technical points have been raised today, and I will do my best to respond to as many of them as possible, but where I am unable to do so, I hope that colleagues will allow me to write to them. I congratulate the hon. Member for Mitcham and Morden (Siobhain McDonagh) on securing this important debate, and I join Members across the House in paying tribute to the all-party parliamentary group on breast cancer for all its advocacy on behalf of patients and families. The hon. Lady has campaigned tirelessly to improve access to breast cancer drugs on behalf of her constituents, and I share her commitment to ensuring that patients are able to benefit from the latest effective and often cutting-edge cancer drugs and technologies.

Cancer is a truly terrible disease, and as has been made clear by the many moving personal contributions that we have heard today, there are few of us who have not been touched by it. That is why the availability of effective drugs to treat cancer is of such importance to all of us and to so many of our constituents. I particularly want to thank all those who have allowed their personal stories to be shared today, and all who are here in the

[Nicola Blackwood]

Public Gallery. These stories remind us powerfully of why we are all here, and their importance cannot be overestimated.

Sir Desmond Swayne: There is an all-party group for almost every disease known to man, with the possible exception of rigor mortis. If patients and campaigners are to have confidence in clinical decision makers, there will have to be profound changes. At the moment, people lobby their MPs, who are uniquely unqualified to make these decisions. May I suggest to my hon. Friend that one of the changes might need to involve a thorough review of the framework and guidance under which the National Institute for Health and Care Excellence operates?

Nicola Blackwood: My right hon. Friend makes an important point. It has been made by a number of colleagues today, and I shall address it later in my speech if he will allow me.

We want the UK to lead the world in fighting cancer. Survival rates in this country have never been higher, but we must go further. Medicines are a vital weapon in the battle against cancer, but we must not forget the bigger picture. More than half of people receiving a cancer diagnosis will now live 10 years or more; 96% of women diagnosed with breast cancer in England will live for a year after their diagnosis; 86% will live for five years; and 81% are predicted to live for at least 10 years. Improving outcomes for all cancers remains a priority for this Government.

Our mandate to the NHS sets out an ambition to make England one of the most successful countries in Europe at preventing premature deaths from all cancers, and we are working to achieve this through the implementation of the most recent England cancer strategy. As the hon. Member for Bristol West (Thangam Debbonaire) said, early diagnosis and prevention are essential to achieving that aim. The new faster diagnosis standard will speed up the diagnosis of all cancers. The new standard aims to ensure that every patient referred for an investigation with a suspicion of cancer is diagnosed or has cancer ruled out within 28 days. It is also important that we support further clinical research, as this can have a considerable impact on cancer survival rates, and that is exactly why the National Institute for Health Research spent £142 million on cancer research in 2015-16. And of course we must not forget the vital research carried out by the cancer charities, supported by the millions of pounds donated by members of the public each year.

The Government fully understand how important it is that people affected by cancer are able to access new and promising drug treatments, and we firmly believe that clinically appropriate drugs that are established as cost-effective should be routinely available to NHS patients. We all know that these decisions, which can be fiendishly complex, are never easy. We also know from long experience in this place that they should not be made by the arbitrary interventions of politicians. They must be clinically led and made on the basis of the best available evidence. They must also be frequently reviewed when new evidence comes forward. That is why it is right for NICE to play that role in providing independent, evidence-based guidance for the NHS on whether significant new drugs represent a clinically effective and cost-effective use of NHS resources.

If a drug is recommended by NICE, the NHS is legally required to fund it, and over the years many thousands of people in England have benefited from the cancer drugs that NICE has recommended. Those include transformative drugs for cancer, such as Herceptin for breast cancer, pembrolizumab for skin cancer and Zytiga for prostate cancer. Unfortunately, although we would all wish it were not the case, there are cancer drugs that NICE is not able to recommend as clinically effective and cost-effective on the basis of the available evidence, which is exactly why the Government established the cancer drugs fund in England. Since October 2010, we have invested more than £1.2 billion in the CDF, which has helped more than 95,000 people in England to access life-extending cancer drugs that would not otherwise have been available to them.

In July 2016, as colleagues will know, NHS England and NICE introduced a new operating model for the CDF that builds on that and ensures that it is placed on a more sustainable footing for the future. The new operating model is designed to achieve three key objectives: to make sure that patients have faster access to the most promising new treatments; to make sure that taxpayers get good value for money on drug expenditure; and to make sure that pharmaceutical companies are willing to price their products responsibly and can access a new fast-track route to NHS funding for the best and most promising drugs.

As part of the transition to the new operating model, NICE is looking at whether drugs that were previously available through the fund should be funded through baseline funding in the future. NICE has recently been able to recommend two of these drugs for breast cancer, Halaven and Afinitor, as well as a further breast cancer drug, Perjeta. These drugs will now be routinely available to patients. NICE was able to recommend each of these products by taking into account patient access schemes, a mechanism by which companies can improve the cost of drugs to the NHS.

As we are discussing today, NICE also reappraised Kadcyla. As the hon. Member for Mitcham and Morden rightly explained, NICE consulted on the draft guidance but was not able to recommend the drug for routine use because it is too expensive for its benefits. As my hon. Friend the Member for Milton Keynes South (Iain Stewart) rightly said, it is important to stress that NICE has not yet issued its final guidance on Kadcyla and will take stakeholders' responses to the recent consultation fully into account in developing its final recommendations, which allows time for further negotiation between NICE and Roche. That is why today's debate has been of value.

I fully appreciate that this is an anxious time for women with breast cancer, but I hope that all here today will appreciate that these are difficult decisions and that NICE must be able to make them free from political interference. I assure the House that, regardless of the appraisal's outcome, NHS England will continue to fund Kadcyla through the CDF for all patients who have already begun treatment.

The hon. Member for Mitcham and Morden and others raised the importance of access to bisphosphonates for breast cancer patients, as well as the general use of off-patent drugs. The use of off-label and off-patent drugs is common in clinical practice, and there is no regulatory barrier to their prescription. NICE often

considers off-label and off-patent drugs in guidance and issues advice to clinicians on new off-label uses of drugs.

The hon. Member for Torfaen (Nick Thomas-Symonds) made an important and informed speech on the issue that proved, in just over 10 minutes, exactly why he is the chair of the APPG. He is right that progress needs to be made in this area. The working group is about to review its latest progress in the next month, and I will certainly take up the issues that he raised with my colleague, the noble Lord O'Shaughnessy, who is responsible for this policy area. I will ask him to respond, especially on sharing the working group's progress and providing an update regarding the publication of the "British National Formulary", which the hon. Member for Wythenshawe and Sale East (Mike Kane) also mentioned.

The hon. Member for Torfaen would perhaps like to know that the Association of Medical Research Charities is also working with the Department of Health to facilitate and improve take-up of new robust research findings on repurposed drugs, where appropriate for the patient. I suspect he already knows that, however, given the nature of his speech.

For other colleagues who intervened on this point, bisphosphonates are medicines that are primarily used to prevent or treat osteoporosis. As colleagues clearly know, they are also used for a number of other medical conditions, including reducing the risk of primary breast cancer. That is based on the research in *The Lancet* in 2015, which found that bisphosphonates can be used to help women who are being treated for early breast cancer after the menopause by reducing the risk of the breast cancer spreading to the bone by 28%.

Bisphosphonates are not licensed for the treatment of breast cancer, but because there is good research evidence that supports their use, they can be prescribed to patients for that purpose when prescribers consider that that meets their clinical needs. There are concerns that access to bisphosphonates and their prescription is variable and that there may be some confusion at a local level as to who is responsible for commissioning them for such use, so I am happy to share NHS England's advice on these points. While NHS England is, of course, responsible for commissioning specialised services, the manual for specialised services makes it clear that the decision to prescribe bisphosphonates for breast cancer rests firmly with the clinician and patient, subject to funding from the relevant clinical commissioning group.

Members may also be aware that NICE is updating its guideline on the diagnosis and management of early and locally advanced breast cancer. The use of bisphosphonates will be considered as part of the update. The revised guidance is due in 2018. Given the concerns about prescription, my officials have spoken to NICE about the timescale for the guideline, and I am pleased to say that NICE is looking at the feasibility of bringing forward the recommendations on the adjuvant use of bisphosphonates. It will of course be important to consider what the implications might be for the timescale for the remainder of the guideline. I am happy to keep the House updated on that decision.

The Government are not complacent about the availability of breast cancer drugs, and we continually look for measures to drive greater access to innovative new technologies. That is why the Government

commissioned the independent accelerated access review, as mentioned by the right hon. Member for North Norfolk (Norman Lamb). Its final report in October set out how the UK can accelerate access to innovative cost-effective drugs, devices and diagnostics for NHS patients and create a more attractive environment for innovators and investors. The Government will respond to the review in the spring, but I acknowledge that NICE must continue to evolve to adapt to changes both in the development of new drugs and in the health and care system. Given the time, and if it is all right, I will respond on some of the details in writing to the hon. Member for Mitcham and Morden. We will continue to work with NICE to ensure that its methods remain fit for purpose.

We must remember that improving outcomes for cancer patients is not just about drugs. That is why we accepted all 96 recommendations in the independent cancer taskforce's "Achieving world-class cancer outcomes" report. The recommendations represent a consensus of the whole cancer community on what is necessary to transform cancer care across the whole cancer patient pathway, from prevention and early diagnosis to living with and beyond cancer, including dealing with side effects, as was mentioned so movingly by the shadow Minister. We are implementing that through a strategy that was published in May and we hope to see great progress as it is delivered. As was made clear in the speeches of so many in the Chamber, breast cancer affects many people in this country today. We continue to invest so much in cancer services so that more people survive cancer and more people live better with cancer. To do that, they need rapid access to more effective treatment, be it surgery, radiotherapy or drugs. That is what I want to see and that is what this Government will deliver.

I am sure that the whole House will join me in congratulating all who have fought and survived breast cancer. We want to stand alongside everyone who is living with a breast cancer diagnosis, battling treatment and living with the sometimes hidden day-to-day impacts of breast cancer. We remember all those who fought valiantly but lost the battle with breast cancer. We have made much progress in improving care, providing drugs and funding research, but there is much more that we can and must do to fight this disease. I hope that each and every Member here will do what they have been doing today and hold the Government to account as we move on and try to do just that.

3.43 pm

Siobhain McDonagh: I thank all the Members who contributed to this debate and thank the Minister for her detailed response. Most importantly, I thank the women in the Public Gallery for coming here en masse to show their support for this debate. I wish every single one of them well, and I hope that they will join me for tea afterwards. Perhaps unconventionally, I also invite any hon. or right hon. Members here to join me and those women for tea to thank them for their campaigning efforts and to understand more about their case. I expressly invite Suzanne from the office of my hon. Friend the Member for Wythenshawe and Sale East (Mike Kane)—there is a cake in the Pugin Room with her name on it. Happy birthday, Suzanne.

Question put and agreed to.

Resolved,

That this House notes the provisional decision not to provide the breast cancer drug Kadcylla for use in the NHS on 29 December 2016; and calls on the National Institute for Health and Care Excellence (NICE) and pharmaceutical company Roche to come together and re-assess this decision to ensure Kadcylla is kept available for patients, and consider how access to both innovative new breast cancer drugs and off-patent drugs used for breast cancer, such as bisphosphonates, can be improved.

Business of the House*Motion made, and Question proposed,*

That, in respect of the European Union (Notification of Withdrawal) Bill, notices of Amendments, new Clauses and new Schedules to be moved in Committee may be accepted by the Clerks at the Table before the Bill has been read a second time.—(*Mr Lidington.*)

3.45 pm

Chris Leslie (Nottingham East) (Lab/Co-op): I was hoping that the Leader of the House might at least explain to the House and those watching proceedings what the effect of his motion would be. In fact, it is the very first step, perhaps not necessarily an entirely bad one, in the concertinaing of the debate process—of making shorter the process for the House to consider the European Union withdrawal Bill, as it ought to be called. The motion seeks to allow Members the opportunity to table amendments to the Bill in Committee at this point, or after it is passed, rather than under the usual procedure, which is that amendments for Committee are not normally allowed to be tabled until the Bill's Second Reading has been debated and voted on. I understand that there are good reasons for that convention, which I suppose relate to the fact that Members would normally want to hear the thoughts of Ministers and other Members on the principle of the legislation so that they can reflect on what has been said and the Government's policy. At that point, they would draft and table their amendments.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): Does it strike my hon. Friend as somewhat odd that the motion assumes that the Bill is going to pass Second Reading and that reasoned amendments might not be made? We can all make our judgments about calculations on votes in this House, but on a point of principle it is odd that we seem to be assuming that the Bill will automatically have its Second Reading before we have even reached that stage.

Chris Leslie: Indeed, my hon. Friend is entirely correct. The Government seem to make a lot of assumptions; it is part of their general instinct to railroad legislation through. Particularly for this piece of legislation, though, they are assuming that the House will have nothing much of any consequence to say about one of the most important issues in a generation: the fact that the UK will be withdrawing from the European Union. I suspect that Members will want to table very many amendments under the motion, should it be passed.

I say to the Leader of the House that it is massively regrettable that the Government are taking this approach. They could have taken a far more relaxed, open-palmed approach to dialogue and debate and listened to the issues raised by Members on both sides of the House. When amendments are tabled in the normal course of events, they can reflect on them and rebut them, if they so wish. Instead, they are taking an approach that speaks volumes of Ministers' frailty and their fear of ordinary debate and discussion in the House of Commons.

Members have a lot to say about the Bill in question. I do not believe that we can ignore the outcome of the referendum, but withdrawing from the European Union will have phenomenal consequences, so the amendments we may wish to table have to cover all the issues surrounding

the triggering of article 50. I understand that, in moving the motion, the Leader of the House is seeking to allow and afford Members the opportunity to table amendments in advance of the weekend and before Second Reading, but it would be regrettable if we were to lose that space between Second Reading and Committee for people to reflect on some very important things, one of which is the matter of the White Paper. The Prime Minister has conceded that we are going to have one, but as yet we still do not know when it is going to be published. If we had the White Paper today, it might help to inform the amendments that, in an hour's time, we might be able to table.

Madam Deputy Speaker (Natascha Engel): Order. This is a very narrow motion about the tabling of amendments. The hon. Gentleman is now moving in the direction of White Papers. I will be very strict about keeping to the wording of the motion. If he comes back to that, I will allow him to continue, otherwise I will cut him short.

Chris Leslie: Madam Deputy Speaker, you are entirely right to focus on the narrow nature of this particular motion, but I believe that the motion should have made reference to the White Paper. Although it allows Members to table amendments before Second Reading, it does not necessarily mean that we can table amendments with the White Paper having been published. We are tabling amendments for discussion after Second Reading, when the White Paper that has been promised may not be available.

Paul Farrelly (Newcastle-under-Lyme) (Lab) rose—

Stephen Doughty rose—

Chris Leslie: I will give way to my hon. Friend the Member for Newcastle-under-Lyme (Paul Farrelly) first.

Paul Farrelly: Clearly, this Bill has been tabled with great speed following the Supreme Court decision. We are, I understand, not being given that long a time to debate it. Is my hon. Friend certain that, given the complexity of this matter, this Bill is fully compliant with the judgment of the Supreme Court, particularly as the triggering of article 50 is irrevocable?

Chris Leslie: I do not want to stray beyond the precise terms of the motion, which I appreciate is very much about the timing of the tabling of amendments. My hon. Friend may not only bring up that point in debate on Second Reading, but consider addressing it by tabling an amendment to the legislation.

Stephen Doughty: May I help my hon. Friend? The point he makes about the White Paper and its relation to possible amendments is a good one, because Members may wish to table amendments, new clauses and new schedules that relate to issues that they are not happy with in the White Paper, but we have not yet seen that White Paper. There is a very practical concern here, which is that we can table amendments before we have actually had a proper presentation of the facts by the Government—

Madam Deputy Speaker: Order. May I make a helpful suggestion? Members should put their names down to speak in the debate on Tuesday, at which point this would all be very relevant, but it is not relevant to what we are debating now.

Chris Leslie: I appreciate that, Madam Deputy Speaker, but this motion today, about the timing of the tabling of amendments, is a symptom of the Government's strategy and approach to the withdrawal of the UK from the European Union. Therefore, it is entirely appropriate that the House spots that and recognises what is going on. This is the very first step in the compression of this process, where normally Members would have, for very good historic reasons that are long-established by convention, the right to listen to Ministers on Second Reading, reflect on those thoughts and then table amendments. What Ministers are intent on doing is ramming this Bill through the House of Commons without thinking of the consequences. They are giving Members the opportunity to table amendments now before we have even heard Government policy properly on Second Reading—

Madam Deputy Speaker: Order. This really is my last warning to the hon. Gentleman. He is talking about the Bill, which is coming up next week. That is not what we are debating here. This is entirely about the amendments that are being accepted by the Clerks at the Table before the Bill has been read a Second time. It is a very, very narrow motion. If he keeps to that, he may continue, but he is really testing my patience.

Chris Leslie: I do appreciate that it is a very narrowly drafted motion. It does indeed say that, in respect of this particular Bill,

“notices of Amendments, new Clauses and new schedules to be moved in Committee may be accepted by the Clerks at the Table before the Bill has been read a second time.”

That in itself begs a number of questions. You may have noticed, Madam Deputy Speaker, that a queue has already formed beside your Chair of hon. Members who may wish to table amendments. I understand that if we wish to table amendments at the passing of this motion, we should approach the Table and hand them over to the Clerks. I suspect that there will be a great deal of demand for the Clerks' time and attention. Indeed, one issue that I wish to raise—perhaps the Minister can respond to this—is to do with the pressure that will be on the Clerks over the coming days because of the demands of Members wanting to table amendments. *[Interruption.]* There is sympathy, I hear, from my hon. Friend the Member for Wythenshawe and Sale East (Mike Kane), who is known for his close affinity with the Clerks and his appreciation of procedure. It is a serious point. The Second Reading debate is on Tuesday and Wednesday, and the Committee stage is the following week, ridiculously gagging Parliament in its ability to scrutinise the legislation properly, given that the Maastricht treaty had 23 days of consideration and the Lisbon treaty had 11 days.

With regard to the motion and the timings for tabling amendments—I hear your entreaties, Madam Deputy Speaker—I would like the Minister to consider whether there are any precedents for this sort of motion, for example when legislation relating to other EU treaty revisions was considered. Did we have this for the Maastricht treaty, the Amsterdam treaty, the Nice treaty or the Single European Act? Does the Minister have something to say about the timing of the White Paper that could inform our ability to table amendments?

[Chris Leslie]

I have managed to scribble down—not on velum, but on the paper available in my office—22 amendments that I think are appropriate for this legislation. Perhaps I have shot myself in the foot by catching your eye, Madam Deputy Speaker, because I have missed my place in the queue that is forming by your Chair to table said amendments; that is the lot that I will have to live with by making these points about the motion.

I would also like to know whether the Procedure Committee has been consulted on the motion, because, as I understand it, this is a highly unusual change. It is not necessarily unwelcome, but it is symptomatic of the Government's intention to override the procedures and conventions of the House that would normally allow us to reflect on something before tabling amendments.

It is important that Members of the House exercise their right to reflect on the consequences of this legislation. It is one of the most important decisions that we will make, certainly this year, definitely in this Parliament, and perhaps in my time in the House. I think all Members should think about amendments that might be pertinent to the legislation. Yes, the Bill might be narrowly drawn, as some have said—how could we possibly want to amend a Bill that is just one clause long?—but a short sentence can have a vast effect on public policy and on our constituents. It is our duty to think about the amendments that might be relevant and table them when the motion is passed. I hope that all hon. Members will think about their responsibilities.

It looks as though the Clerks are going to have a very busy weekend trying to ensure that the drafting of amendments is in order. Some people say that there are a lot of lawyers in the House—I am not a lawyer, but I know many who are—but we still sometimes need assistance in the phraseology and terminology of amendments.

The Minister should at least do us the courtesy of explaining why he has tabled the motion and set out the fact that this is the beginning of the concertinaing of the parliamentary consideration of the European Union withdrawal Bill. For him not to do so, and simply to stand and say, “I beg to move”, is yet another sign of the Government's arrogance. Perhaps they have not properly reflected on the judgment of the Supreme Court, which insisted that Parliament has the duty to legislate on these matters and that it is not something for the Crown prerogative. It is for us to amend the Bill and ensure, if we have to table amendments before Second Reading, that we have those particular rights.

Paul Farrelly: I totally agree with my hon. Friend about this very unusual motion. I would simply like to know what precedents there are for this on major or minor legislation. It is entirely unclear to me what the deadline will be for tabling amendments. Presumably, “before the Bill has been read a second time”

means that we could hand in our amendments right up to the deadline, but unless they are printed for consideration, how can the House properly consider them?

Chris Leslie: That is a good point. I presume a notice of amendments sheet will be published tomorrow morning, as of course the House is sitting, and then again on

Monday, and that it will list the amendments that begin to accrue before we get to Second Reading next week. I wonder whether hon. Members might like a wager on how many amendments we will have on the amendment paper before we even get to Second Reading. It could be a record for the House.

Hannah Bardell (Livingston) (SNP): On the point about the number of amendments, the hon. Gentleman will recall that when the Scotland Act 2016 was debated, there were 147 amendments, but I think only 20 of those were put to a vote, purely because of the system of this Parliament and the time it takes to vote. The public will be looking on, watching the process and wondering how we can have so little time and so little debate on such an important issue.

Chris Leslie: The hon. Lady is correct, of course. People watching the proceedings may say, “This is just a simple measure. What are hon. Members talking about here?” We are talking about one of the most significant policy changes affecting our constituents in a generation. I certainly believe that I would not be doing my job as a Member of Parliament if I did not think about all the consequences that could arise from leaving the European Union. I regard the decision as having been made in the referendum, but it is for this Parliament to enact that and put that legislation into effect. To do so without amendment and without thinking of the consequences and all the ramifications for industry, trade, social policy—you name it, Madam Deputy Speaker—would mean we were not doing our duty. I have much more to say, but I think I would be testing the patience of the House if I were to do so, so I will keep my remarks short and conclude at this point.

4.1 pm

Stewart Hosie (Dundee East) (SNP): I will also try to stick to the narrow remit of the motion. At the outset, I say that we welcome the opportunity to table amendments in advance of Second Reading. Whether they are tabled today or on Monday, a substantial number will be tabled. If I do not stretch your patience too far, Madam Deputy Speaker, may I make one small observation on the explanatory notes to the Bill? Paragraph 22 says:

“The Bill is not expected to have any financial implications.”

I suspect that is very far from what will happen.

It is on matters financial that many of the amendments that we wish to table, and will table in advance, will be drafted. The difficulty is, as has already been suggested, that the White Paper that is to accompany the Bill has not yet been published. That brings us to the rather vexed question of how the Clerks, in advance of Second Reading, will deal with amendments as they are tabled. I do not mean to debate the policy by any means, but if I may, I will give just two small examples of why this is profoundly problematic.

We know there is a demand in the financial services sector for financial passporting. We know that there is a demand in many sectors for significant and long transitional arrangements. Unless and until the Clerks know what the White Paper may say about that and whether the Government may indeed have accepted some sense on it, it will be extremely difficult to know the nature of any amendments that may be tabled, notwithstanding the welcome extra time in which to do so.

The Bill is also very narrow. Again, although we welcome the opportunity to table amendments, we need to know what may or may not be in range and acceptable—not just tableable, but selectable and votable. I am sure some colleagues in the House would think it sensible, for example, to try to avoid a £1,000 levy on every EU employee. Although we could table such an amendment, we do not know whether it would be accepted or how the Clerks may choose to deal with such an amendment.

Kate Green (Stretford and Urmston) (Lab): Does the hon. Gentleman agree that it will be perhaps disadvantageous to the Government if amendments are tabled without knowledge of either the White Paper or what Ministers may say to clarify points raised by hon. Members on Second Reading? We may have a range of amendments tabled that could have been completely averted if the process had been conducted in appropriate order.

Stewart Hosie: The hon. Lady makes a very important point. I want to stick to the process, and the point is precisely that if all the information required were available—notwithstanding the generous additional time—that eventuality could absolutely be avoided. And there is another issue: this motion—we do welcome it—might be seen by the public in the future as problematic, rather than beneficial, for precisely the reasons the hon. Lady suggested.

Stephen Doughty: I thank the hon. Gentleman for giving way. He has raised some very strong points. Does he agree that there is a procedural issue—for those who are not familiar with the proceedings of the House—in that some people may now feel rushed into tabling amendments, because those can now be tabled, rather than taking time to consider them and to craft them in such a way that they might be selectable, votable and, indeed, endorsed on both sides of the House? That is a very real issue, which may affect our ability to debate this subject.

Stewart Hosie: I am not going to reject the opportunity offered by the time to table amendments in advance, but the possibility that amendments will be badly drafted or rushed precisely because of this motion is a very real one. It would not be the first time that, having got to the later stages of legislation, the Government tabled substantial numbers of amendments because the draft legislation and other amendments were not drafted adequately or correctly in the first place.

Ian Blackford (Ross, Skye and Lochaber) (SNP): Now that the Supreme Court has given its judgment and empowered Parliament to take a vote on this issue, is there not an argument for saying that the Government, by pushing this process forward with such haste and not allowing hon. Members to wait to see what is discussed on Second Reading, are holding the Supreme Court judgment in contempt? The judgment is about making sure that Parliament does its job on behalf of the people of all the United Kingdom, and that has been denied by the Government's sheer and utter haste in driving things through at the pace they are doing.

Stewart Hosie: I think my hon. Friend is fundamentally right. Having the time to table amendments early is welcome, of course, and the Government will rightly

argue that this is Parliament deciding. Nevertheless, the consequences are absolutely as my hon. Friend has described, and as was described previously.

Neil Coyle (Bermondsey and Old Southwark) (Lab): The hon. Gentleman gave the example of the potential £1,000 levy for incoming non-UK EU citizens. Equally, in the absence of information from the Government, we may face amendments on employers who already have employees from other EU countries. I met employers from the London hotel sector yesterday, who are very worried because about 80% of employees in some of their hotels are non-UK EU citizens. We may seek to have amendments on that issue, but in the absence of Government information, that is unclear at this stage.

Stewart Hosie: Indeed. This point is oft repeated, but one could—again, without stretching your patience too much, Madam Deputy Speaker—add the Scottish fish processing sector to the hospitality sector, for precisely the same reason. Given that the Clerks will not, I assume, have had access to the White Paper to identify what may or may not have been accepted by way of clarity or change, that makes these things extremely difficult.

Paul Farrelly: I was just reading the explanatory notes to the Bill, explaining why the fast-tracking is being adopted and therefore we are considering this motion now. The House agreed in December—I did not; I voted against the motion, as the hon. Gentleman did—to authorise the invoking of article 50 by the end of March. But at that stage we did not know what the Supreme Court judgment would be, neither in respect of the role of this House nor in respect of the role of the other legislatures. Does the hon. Gentleman agree that, now that circumstances have changed, it is right that the House reconsiders, and that therefore the explanatory reason for the fast-tracking really does not hold water?

Stewart Hosie: I think, on balance, that that is probably correct. The additional time for the amendments is welcome, but the fast-tracking of what is a very small measure, when the Government would appear to have an in-built majority, seems like unnecessary haste, which is intended only to meet arbitrary timetables rather than to allow proper, detailed and timeous scrutiny.

We will not oppose the motion—as I say, the opportunity to table amendments in advance of Second Reading is welcome—but I am sure that no one will be left in any doubt that it is not without some significant and substantial problems.

4.9 pm

Hannah Bardell (Livingston) (SNP): I fully appreciate that this is a very narrow motion, and I also will do my best to stick to the point, but I think the fact that it is so narrow is a point of principle in itself. When the public look on at this process they will want to have confidence in it, and people did not have confidence in the process in the run-up to the EU referendum.

In October 2012, power was conferred from the UK Government to the Scottish Government for Scotland to hold a referendum on Scottish independence, and power is now being conferred, as the Bill says, to the Prime Minister. It strikes me that there are two major

[*Hannah Bardell*]

differences between the two processes. There is a significant difference between what is happening now and the timescale when power was conferred to the Scottish Parliament before we had our referendum in 2014.

We went through a nearly two-year process of public engagement. We actually wrote things down. We had a White Paper—650 pages of a White Paper. I have it with me—this is what it looks like. The Minister is not paying attention; I wonder whether he read it. For the avoidance of doubt—for him and for any other member of the public—this is what a White Paper looks like. This is what putting blood, sweat and tears, and plans, into your constitutional future looks like—something that this Government have not bothered to do. The people of the United Kingdom deserve better. People in Scotland got the gold standard of referendum. They had a proper consultation process. In the run-up to the referendum in Scotland, over 90% of people registered to vote voluntarily, and over 80%—

Madam Deputy Speaker (Natascha Engel): Order. Could the hon. Lady mention amendments? She might be coming on to that, but she is talking about the Scottish referendum—not even the EU referendum, let alone the Bill that is coming up next week. It is a very, very narrow motion. I appreciate that lots of Members wish to speak, but there is only so much that can be said about it, and the rest of the debate takes place next week.

Hannah Bardell: I absolutely take on board what you say, Madam Deputy Speaker, but you know that—

Neil Coyle: The hon. Lady will be very much aware that 16 and 17-year-olds did have a vote in the Scottish referendum. Would she welcome amendments to this Bill to ensure that in future, across the UK, 16 and 17-year-olds are guaranteed a right to vote on any change to constitutional arrangements?

Madam Deputy Speaker: Order. This is not about any amendments, but a very specific motion. We are not amending the Bill now.

Hannah Bardell: I will seek to close shortly and keep away from the theoretical. However, these are the options that we are left with. I am a Member of Parliament who represents a Scottish constituency, and since we have arrived here we have sought to share the positive and constructive experiences that we had in Scotland during the referendum. Unfortunately, at every turn, on matters such as 16 and 17-year-olds, this Government have sought to ignore them.

Patrick Grady (Glasgow North) (SNP): This is a procedural motion. This debate is suddenly taking place, even though the Order Paper says that there would have been no debate if the motion had been moved after 5 pm. Does that not speak to something else we have tried to do since we were elected here, which is to reform the procedures and make them more transparent? There is much that can be learned from the Scottish Parliament experience in that regard.

Hannah Bardell: I could not agree more. That brings me to the crux of my point. Many amendments will be tabled, and the timescale to do that is short. The timescale for debate and for voting will be short.

Ian Blackford: We are discussing amendments to what is euphemistically called a Bill, but in the spirit of respect, this process has to happen within all the nations of this United Kingdom. One has to ask, have the Government, before we get to the stage of considering these amendments, consulted the other legislatures in the United Kingdom? Have the Scottish Government, as part of the whole process of respect, had the opportunity to take part in the debate with this Government before the Bill is debated in this Parliament?

Hannah Bardell: Once again, I find myself agreeing with one of my hon. Friends. The bottom line is that people will be watching this process. I do not think that people had faith in the run-up to the EU referendum. They now are looking on—the whole world is looking on, and our international reputation is at stake. It is so important that our process is seen to be fair.

Kate Green: Does the hon. Lady agree that something of such momentous significance as this type of change to our constitution deserves scrupulous and regularised parliamentary process, and that chopping and changing and playing games with our usual processes on a Bill of this significance will undermine public confidence in this House and its processes?

Hannah Bardell: I could not agree more. Many things have brought down public confidence in politics, and we have an opportunity to change that, but I fear that we are going in the wrong direction.

I finish by quoting Adlai Stevenson, who said:

“Public confidence in the integrity of the Government is indispensable to faith in democracy; and when we lose faith in the system, we have lost faith in everything we fight and spend for.”

I hope this Government think very carefully about that, and about the process that they are embarking on, and do a decent job.

4.15 pm

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): It is unusual to have a debate on this sort of procedural motion, but it is important—it is a matter of principle—for our constituents to understand the processes of this House, given that we are about to embark on the enterprise of debating and amending the European Union (Notification of Withdrawal) Bill and of voting on it. It is a matter of generational significance. This is not just any other piece of legislation; it will affect the prospects of people in my constituency, as well as businesses, organisations and people up and down Wales, for many years to come.

It is only right that the public understand the processes of this place, which can often seem labyrinthine. I support the agenda, which the hon. Member for Livingston (*Hannah Bardell*) just spoke about, of simplifying and straightening out some of our procedures. I wonder whether the Procedure Committee has looked at the matter. I have not seen such a motion before, except perhaps on emergency anti-terrorism legislation or things of that sort. It is an unusual motion.

Although having more time to table amendments is welcome, this is an odd direction for the Government to take. We will not have been through the Second Reading debate, we will not have seen a White Paper and we will not have been able properly to think through the structure of the amendments, new clauses and new schedules that we might wish to table. We will not have had a chance to consider who we might wish to table them with, or who we might want to ask to support them, to show the confidence of the House. As you know, Madam Deputy Speaker, those matters have great significance in determining which amendments are selected and which can be voted on.

I went through a frustrating experience recently on a similarly short Bill, the Commonwealth Development Corporation Bill, to which I and many others tabled amendments on several important issues. Because of the nature of the debate and the rules set by the usual channels and others, only a certain number of votes could be taken. An amendment that I had tabled, which had cross-party support from the SNP, the Lib Dems, the Greens and others from across the House, was not voted on because we were told that there could be only two votes as a consequence of the limitations on time and process.

I was deeply concerned when I heard confirmation in the business statement this morning that there would be only three days of debate on the Bill in Committee. We do not know how much time there will be for debate on Report, or, crucially, what knives will be inserted into the debate.

Paul Farrelly: Does my hon. Friend agree that this is a strange day on which to table a motion that effectively starts the exit process? No votes are expected, and therefore most Members—just look around—are back in their constituencies. Many are campaigning in two by-elections. Does he agree that the way in which the motion has been tabled today brings the House into disrepute? It would have been quite easy for the Government to have tabled a similar motion on Monday to give people a week to consider it, and then to start Second Reading the following week? *[Interruption.]*

Stephen Doughty: My hon. Friend makes an important point. It is typical of this Government to table things at the last minute on a Thursday when they think that people have gone home, when nobody is watching and when they expect business to have concluded. It is important that my constituents and the public understand how procedural devices in this House are often used to frustrate debate and discussion, and to frustrate the reasonable scrutiny of Parliament; fundamentally, the Supreme Court has said that such scrutiny is crucial on a matter as important as this. I was disappointed to hear the Deputy Leader of the House of Commons chuntering “time wasting” during my hon. Friend’s intervention. This is about Parliament having a say, and it is about having proper scrutiny and proper process on something so fundamental, which will affect generations to come.

I do not normally like to get into big procedural debates in this place; I normally like to talk about issues of substance. But when we are about to embark on a debate on such an important matter, it is absolutely crucial that we have the most transparent, accessible and open processes for the tabling of amendments, new clauses and new schedules, and for debating and voting on them.

Jim Shannon (Strangford) (DUP): I am sure the hon. Gentleman understands that these are exceptional circumstances. The people have agreed through the referendum that they want to leave the European Union, and the Government understand and acknowledge that the people want the process for that to be out by 31 March. As that is the case, the logistical issues in relation to new clauses and amendments must be resolved in a way that allows the will of the people to be heard in this Parliament. We cannot ignore that, and with great respect to the hon. Gentleman and to other hon. Members on the Opposition Benches, the prerogative of Parliament is not to ignore the view of the people but to acknowledge the voice given to them through the referendum.

Stephen Doughty: I do not necessarily disagree with the spirit of what the hon. Gentleman says. I know that he, as an assiduous contributor to debates in this House, including on amendments and parliamentary procedure, would welcome proper scrutiny. Whether or not we agree on the result of the referendum or about how to take the process forward, he would agree with me about the importance of this place, its processes and the way in which we debate such matters.

It is important to understand that the order in which amendments are tabled in this place can significantly affect the ability to speak on them, particularly when the time to debate them is curtailed; it also affects which amendments we can vote on. I would be deeply concerned if we started to see procedural chicanery by the Government—by the Whips and others—and attempts to curtail debate and to prevent the reasonable discussion of matters in this House. *[Interruption.]* A Government Whip is chuntering already.

We all understand the result of the referendum and we all have different views on it, but we have many concerns about how the process is being undertaken. I believe that the Prime Minister has already shown a great deal of contempt for this House by not turning up to explain herself and answer questions. The Government have been forced into a corner about publishing a White Paper. They now appear to be tinkering with the proceedings of this place, and to be rushing headlong into the process without allowing proper and adequate scrutiny.

I raise these issues not as an attempt to frustrate or stop the process—I will not oppose the motion—but because I want the public, including my constituents, to understand that there are those in the House who often abuse its procedures to prevent reasonable scrutiny and to prevent votes. I would be deeply concerned if that were to continue during the next few weeks. We have already seen a habit formed by this Government and we have already seen their direction of travel, but I sincerely hope it stops right now, so that we can have proper debate and scrutiny.

Paul Farrelly: Will my hon. Friend give way?

Stephen Doughty: I will give way briefly before I sit down.

Paul Farrelly: I have caught my hon. Friend in the nick of time. I certainly hope that my latest intervention is not “time wasting”. Does he agree that it would be a very sad day if the procedures meant that the time provided for debate in this House on such an important decision was less than the time provided in the unelected other place?

Stephen Doughty: I absolutely agree. This comparison has already been made, but I also find it difficult to understand how we can spend less time on this matter than was spent on the Lisbon treaty or the Maastricht treaty, when all sorts of procedural devices were exploited. This is a matter of generational significance, and whatever we feel, whichever way our constituencies voted—to leave or to remain—and whatever our views about the type and nature of the arrangements we will be moving to, it is important that this is done properly, with transparency, care and consideration because my concern is that the decisions we make will last for decades to come.

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

Madam Deputy Speaker (Natascha Engel): I call Neil Gray. [HON. MEMBERS: “Peter Grant.”] I am so sorry. I call Peter Grant.

4.23 pm

Peter Grant (Glenrothes) (SNP): I accept your apology, Madam Deputy Speaker, as always, but you will remember that next time I try to catch your eye, won't you?

I would be interested to know why the Government have taken this welcome but unusual step with the Bill. It is almost as though we will have more time to table amendments than we will to discuss them. It might be because they know a huge amount of amendments will be tabled, because there is a massive number of specific issues on which Members will want very clear decisions. We only have to think about all the questions that have been asked of the Leader of the House, the Prime Minister and the Brexit Secretary about what will happen to EU nationals in this country, to UK nationals over in the EU, to universities, to farming and fishing, and so on, to see that they might all lead to several different amendments. If, in the haste to get to the cliff edge, only a tiny percentage of those amendments are voted on, we will end up with bad legislation. For possibly the most important decision that Parliament has taken since the Chamber was rebuilt, we cannot afford bad legislation.

Anna Soubry (Broxtowe) (Con): Does the hon. Gentleman agree with me, as somebody who campaigned fiercely for us to remain in the European Union, that the most important decision was made when the House decided—whether we were wrong or right, given the result—to have a referendum and to be true to the result, whatever it was?

Peter Grant: My recollection of the Act, apart from the fact that it was deeply flawed and that that is why we are now in this mess, is that it did not say that Parliament had to abide by the decision. It did not say that the decision was binding. It did not say anything about it. It just said that there would be a referendum. Perhaps the Government need time to draft an amendment to the Bill to make the European Union Referendum Act retrospectively binding.

If the Government intend this Bill to be binding, will they use the additional time that they have given themselves to correct what appear to me to be mistakes in the drafting? The Bill is being rushed through because there is a political—not a legal—imperative for article 50 to be triggered by 31 March, yet it does not require the

Prime Minister to do anything by 31 March. It does not require her to do anything—it permits her to do something. Is one of the amendments being cued up now a Government amendment to correct that mistake?

Five days is not enough, although it is more than many Bills get, but the advice in the Government's summary, which is 15 times longer than the Bill, is that its impact will be both clear and limited. Limited? It is the most important Bill that this House has ever considered. Given that it is so limited, why do the Government need to allow so much additional time for all the amendments—

Madam Deputy Speaker (Natascha Engel): Order. I gently remind the hon. Gentleman that he is talking about the Bill, which is different from the motion that we are debating. If he gets back to the tabling of amendments, I would be grateful.

Peter Grant: I was referring not so much to the content of the Bill, but to its extent and limited impact and wondering why we needed so much additional time to table amendments.

I concur with a lot of what has been said. Generally, the public are not interested in procedure, the timing of amendments, what days of the week Bills are debated and so on. This time, it is important because the procedures of the House are clearly being used to get the result that the Government want.

Neil Coyle: Let us not forget that the Government are here today only because the Supreme Court made them follow this procedure. Does the hon. Gentleman share my concern that the two other legal cases that are already under way—one on European economic area membership and one on whether article 50 is retractable—could result in the Government's requiring new clauses and new schedules?

Peter Grant: I am grateful for that point. It is never a good idea to speculate about court cases here, especially if people have as little legal training as me, but those factors may well come back to haunt the Government in a big way.

The Prime Minister has given herself a political imperative to implement article 50 by 31 March.

Deirdre Brock (Edinburgh North and Leith) (SNP): Further to the point made by the hon. Member for Bermondsey and Old Southwark (Neil Coyle), will my hon. Friend join me in taking the opportunity to thank the democracy campaigners, particularly Gina Miller? Their actions and the interventions of the courts have meant that a Prime Minister who sought to ignore Parliament and treat the powers entrusted to her as an absolute privilege has been brought back into some sort of line. The campaigners' contribution will have long-lasting effects on this issue and others.

Peter Grant: I concur with my hon. Friend's comments. It is in extremely bad taste for anyone to bad-mouth the motivation of someone who has just won a court case. Someone who has won a case in the High Court and the Supreme Court was by definition right to bring it. The treatment that Gina Miller got after the High Court case was utterly shameful and I hope that there will be no repetition of it.

To come back to the matter in hand, I would like the Government to explain why they have taken this unusual procedural step today. Why is the Bill, possibly the shortest Bill we will consider during the Session, expected to attract so many amendments that the Clerks need extra time to collect them all?

Stephen Doughty *rose*—

Peter Grant: I will not take any more interventions because I want to hear what the Minister has to say in the half-hour or so that is left.

4.30 pm

George Kerevan (East Lothian) (SNP): I am grateful to be called to speak, Madam Deputy Speaker. I commend your patience, but sadly I think this will not be the end of the need for patience on the part of those who sit in that august Chair. We are discussing a motion to allow extra time for tabling amendments and new clauses, which I will be glad to support—we are certainly discussing the business of the house, not the content of next week's Bill and debate. The charge is that the Government have begun, very consciously, to politicise the procedures and business of the House. That is why, now we have a little time, we have to hold the Government to account for that politicisation of the business of the House.

Stephen Doughty: The hon. Gentleman is making a strong point. I wonder whether, like me, he has noticed the Government Chief Whip and other Whips scuttling back and forth, which suggests that they are worried about this place having its say on motions and procedures. Throughout the process, the Government have presumed that they can do whatever they like without reference back to this Parliament.

George Kerevan: I take that point. I am not saying this to chide the Government, but I am trying to bring out into the open in this Chamber what we all know: the Government have been introducing a new parliamentary convention that flows on from the fact that we had a referendum that went against the Government. In panic and shock, the Government, whose Back Benchers are divided, decided on a new convention, which was to use the Crown prerogative to ram through whatever they wanted, based on the decision for Brexit in the referendum. That is in stark contrast to the whole history of this Chamber.

Neil Coyle: Will the hon. Gentleman give way?

George Kerevan: I want to make a few points; we are running out of time and we want to hear the Minister.

I want to say clearly that in a panic the Government chose to attempt to use the royal prerogative, but that has been struck down this week by the Supreme Court in a momentous and historic decision. One would have thought that in the light of that, the Government would have more regard to the procedures of the House and how its business is formulated, to give the House a proper say in the historic decision on Brexit. Did the Government learn that lesson? No, they came back with a one-line Bill to be fast-tracked. That is why, in the Government's attempt to make some amends, we are discussing a way of getting some extra time, over the weekend, to draft amendments and new clauses to go with that fast-track procedure.

Hon. Members have every right to worry that the Government still have not got the point that we are now to have proper parliamentary scrutiny, including control over how the debate is conducted in the House. To underline that, let us look at what the explanatory notes say about the need for fast-tracking. First, we are told that there was an “unexpected” step in the process required by the Supreme Court. It is no fault of this House that the Government do not understand what is happening in the real world. It is no fault of Members on either side of the House if the Government were caught by surprise—the rest of us were not—and it is not an excuse for fast-tracking.

The second explanation for the fast-tracking is that this step

“would cause considerable delay to commencing the formal exit process”,

but the triggering of article 50 by the end of March is a random, arbitrary decision by the Government. That is not this House's decision. The Executive are saying we have to fast-track the Bill because they have decided when they want to do it by. If that becomes a principle of how we do business—if the Government can say, “We want to do something next week, so we are going to fast-track everything”—it will be an abrogation of democracy, and we cannot have that.

Kirsty Blackman (Aberdeen North) (SNP): It strikes me that the need for this fast-track process and the lack of parliamentary scrutiny shows up the fact that the Government are aware that their case is not strong or water tight and that it would be very easy for Members across the House to pick holes in it—because there are so many holes.

George Kerevan: Indeed, I fear that that might be the case, but actually the Government have nothing to fear from democracy. If the people of England and Wales have voted to leave the EU, that is up to them—I will not oppose that—but the people of Scotland have voted to remain, and that is what we will do.

The Government are politicising the procedures of the House. We have been here before—I say that humbly to the Chair, because it is why this is a major issue. We saw it in the 1880s and 1890s, when the then Government thwarted the legitimate desire for Home Rule in Ireland, and that led to major debates in Parliament that became focused through the procedures of this Parliament. Again in the 1970s, when devolution was first being discussed for Scotland, it became intertwined with major issues around the business of the House. In both cases, that happened largely because the Executive set their face against Parliament having a proper democratic discussion.

In the end, the business will go through this afternoon, but unless the Government learn this basic lesson—that every time they try to thwart democratic discussion in the House, Members will face them down—and open up the debate, we will be in for an awful lot of procedural discussion over the next year.

4.37 pm

The Leader of the House of Commons (Mr David Lidington): The motion before the House has one purpose, as set out in its own terms—to suspend the normal rule that amendments may be tabled by hon. Members only

[Mr David Lidington]

once Second Reading has been achieved. The Government's motive in tabling the motion is to make it easier for hon. Members on both sides of the House to consider and then table any amendment they wish. If they choose not to avail themselves of that opportunity, either by blocking the motion or through simply waiting until the end of Second Reading, they are perfectly entitled to take that course of action. We are not, through the motion, limiting the continued right of hon. Members to table additional amendments once Second Reading has been completed, in line with the normal procedures of the House.

As hon. Members have said, the Government are seeking to respond to the unusual fact that we are proceeding with the article 50 Bill through expedited process. In my time here, this process has been used by Governments of all political colours, often in response to High Court or Supreme Court decisions that have interpreted the law differently from how the law had previously been assumed to stand. It is usual for the Government to move this kind of motion when such an expedited process is applied. Our purpose in using the process is to enable us to comply promptly with the judgment of the Supreme Court, while also respecting the vote of this House that the Prime Minister should trigger the article 50 process by the end of March this year. The aim is to ensure that we can comply both with the ruling of the Supreme Court and with the clear and overwhelming view expressed in a vote in the House of Commons.

I am afraid that the speeches that we have heard this afternoon are indicative of the shambolic state of some

of the arguments being presented by Opposition Members. I am disappointed that there seems to be an obsession with debating the process of each and every stage, rather than focusing on what are the key objectives in a negotiation which will deliver the best deal for people in every part of the United Kingdom following the outcome of the United Kingdom referendum last year. That is what is at the forefront of the Government's mind, and that, I submit, is what is in the minds of our constituents who send us here, rather than the detail of perhaps unusual and arcane procedure.

We accepted the judges' ruling on the steps of the Supreme Court, and we immediately complied with that ruling by introducing a Bill. Opposition Members have nothing whatever to complain about. The Government could not have been more prompt, efficient or responsible in complying with that Supreme Court judgment.

Question put and agreed to.

Ordered,

That, in respect of the European Union (Notification of Withdrawal) Bill, notices of Amendments, new Clauses and new Schedules to be moved in Committee may be accepted by the Clerks at the Table before the Bill has been read a second time.

ADJOURNMENT

Resolved, That this House do now adjourn.—(Chris Heaton-Harris.)

4.41 pm

House adjourned.

Westminster Hall

Thursday 26 January 2017

[MR ANDREW TURNER *in the Chair*]

BACKBENCH BUSINESS

Civil Society Space

1.30 pm

Jim Shannon (Strangford) (DUP): I beg to move,

That this House has considered protecting civil society space across the world.

This issue is of some interest to me, as it is to all the right hon. and hon. Members who have turned up to participate in and add their thoughts to the debate. I will focus on three countries: Pakistan, India and Bangladesh. Other Members will focus on other countries of interest to them.

I thank the Backbench Business Committee for granting the debate to me and my co-sponsors, the hon. Member for Congleton (Fiona Bruce) and, on the Front Bench for the Scottish National party, the hon. Member for Glasgow North (Patrick Grady). It is good for the three of us collectively to have the opportunity to bring this subject before the House.

This debate came off the back of a meeting that I had here with Christian Aid and other bodies from Pakistan in September 2016, during a recess week. They presented a clear case about Pakistan and its religious minorities to me and some of my colleagues from the all-party parliamentary group on Pakistan minorities. I will introduce and discuss the three main issues.

Throughout the world, civil society space has been under significant pressure as restrictions on funding, barriers to registration, intervention in non-governmental organisations' internal affairs and other forms of harassment have proliferated. The phenomenon of closing such spaces has a propensity to disrupt and paralyse the important work of such organisations, which is crucial to build and reinforce a peaceful and stable society. As I outline my case, I hope that hon. Members and the audience here, on television and elsewhere will grasp what we mean by protecting civil society space across the world.

Longer term, the closure of civil society threatens to weaken irreversibly the infrastructure of human rights movements, which, in turn, could endanger hard-won progress on human rights globally. That is an issue of great importance to me.

Margaret Ferrier (Rutherglen and Hamilton West) (SNP): We are witnessing a serious escalation of restrictions on civic space by the Bahraini authorities, with travel restrictions, biased judicial proceedings, the vilification of civil society members and—in recent days, following allegations of torture—worrying executions that some organisations believe amount to extrajudicial killings. Considering the millions being spent by the Foreign

Office on technical assistance to Bahrain, does the hon. Gentleman agree that the UK should be more outspoken on such matters?

Jim Shannon: I thank the hon. Lady for her intervention. She is vice-chair of the all-party parliamentary human rights group, so I know the good work that she does. She has been a focal person in speaking out on such issues, and I wholeheartedly endorse that. She has outlined a number of the things that she, I and others have written about to the Foreign and Commonwealth Office.

The nature of restrictions on civil society varies, but common elements of such laws include: targeting activists who scrutinise Government policies; increased scrutiny of NGO activities and sources of funding, which is all very investigative and focused on making life difficult for the NGOs; and, in some cases, the targeting of organisations that work on issues such as women's rights, freedom of religion or belief, LGBTI or lesbian, gay, bisexual, transgender and intersex rights, migrants' rights, and the environment. Those are all critical and important issues in civil society throughout the world. It is important to retain such organisations.

Repressive practices are not limited to states such as Russia, Egypt or Pakistan: they are in danger of spreading across the world, as the hon. Member for Rutherglen and Hamilton West (Margaret Ferrier) said in her intervention. Civil society experts have spoken of a contagion effect, whereby repressive laws introduced in one country are copied by its neighbours, who might think, "That's the way to do it." It is not.

Tom Brake (Carshalton and Wallington) (LD): Does the hon. Gentleman agree that a good example of what he is referring to is the law against NGOs being deployed in Egypt? Perhaps Egypt is copying the law deployed in Russia. We hope that such things are raised by the FCO at every opportunity in its discussions with the Egyptians.

Jim Shannon: I commend the right hon. Gentleman for his action in this House on human rights. He regularly brings issues to the attention of Ministers and Departments, for which I thank him. In his intervention he gave another example of exactly what happens, which is that spreading across. It is imperative that civil society space is protected; otherwise, repressive practices and violations of human rights could spread further. We need to have debates such as this one and what I hope will be a positive response from the Minister and the Government.

The debate provides an opportunity to identify the many benefits of thriving civil society spaces and the innovative ways in which the UK can support them. Furthermore, we can raise the issue of the considerable pressures on civil society and of civil society's important role as a driver for positive socioeconomic and political development, as well as for the promotion and protection of human rights.

Unfortunately, there is today an extremely worrying trend in many parts of the world: that those who stand up for those in need are themselves increasingly subjected to various forms of attack for doing so, including physical attack. Today, in this House, we need to stand up for human rights and liberties, such as people's right to pursue their religious beliefs, not to suffer persecution and to worship their God.

[Jim Shannon]

As chair of the APPG on international freedom of religion or belief, I have heard of far too many people far too often being in desperate need of others to support and speak up for them. This is our chance to be a voice for the voiceless—to speak up for those who cannot speak for themselves and who might not know what we are doing. We do so because we want to and because we have a job to do in this House. Sometimes, all it takes is for something to be said for a difference to be made. That is what is so worrying about the restrictions on civil society: they are making it even more difficult to let people support, speak out and make positive changes for each other. That is what we should be trying to do.

What exactly is civil society? It includes all NGOs and institutions that manifest the interests and the will of citizens. It includes the family, the private sphere and other special interest organisations. It also includes bodies and individuals who organise to represent a religious, business, academic, social or quasi-political interest within a community. That is a large raft of issues across all of society.

Without input from civil society, both the legislature and the Executive would be less informed and more disengaged from issues that affect members of the community. Such input has been critical to humanitarian and human rights reforms, of which one of the most conspicuous was the abolition of slavery in the early 19th century. Other input was on issues such as child labour laws, property and electoral reform, women's rights and the maintenance of human rights. We are here because of our interest in human rights, so I want to make that point very clear.

The ebb and flow of information between legislators and civil society is an integral part of modern democracy. Moreover, sectors of civil society frequently possess deeper knowledge and expertise on some subjects than is readily available from Departments. It would be a gross error for the legislature or the Executive to hamper in any way the expression of the views of civil society. Civil society is protected through rights such as those to freedom of association, assembly, expression and religion or belief.

The role of NGOs is significant, but civil society goes beyond simply collective organisations of people. Hence, the definition of civil society must be expanded to include how people organise themselves today in the 21st century, because how it is done has evolved. As technology develops, people increasingly frequently utilise the internet to raise human rights and other issues online, as well as through social media and other platforms. It must be noted that none of those spaces in which civil society operates is immune from the pervasive measures being implemented throughout the world to restrict civil society.

The angle that I am coming from as I set the scene is that of freedom of religious belief and civil society. As everyone present probably knows, that right is an area that I am deeply passionate about and it is deeply linked to and affected by the closing of civil space across the world. When the Pakistan minorities APPG members and I met those NGO administrators and other people in September, I recognised that what they were describing was happening on the ground not only to them in Pakistan, but in other parts of the world.

The link with religious freedom can predominantly be seen in two ways. First, the closing down of civil society directly limits individuals' ability to exercise their freedom of religion or belief, as civil society often includes people simply coming together to promulgate their faith or beliefs. The restriction of such activity directly contravenes article 18 of the universal declaration of human rights, which includes the freedom to manifest and practise religion or belief in public—it is right there. That is a clear example.

Tom Brake: The hon. Gentleman may be coming to this, but does he agree that two faith communities in particular are being heavily targeted? The Ahmadiyya Muslim community is at risk in places such as Pakistan and, more recently, Algeria, and the Baha'i faith is under threat in Iran.

Jim Shannon: I totally concur, and I will mention those communities. It is good to have a collective positive opinion on behalf of those people.

CIVICUS Monitor has analysed what drives violations of civic space. Government leaders have often taken drastic measures to prevent people from criticising their decisions, engaging in human rights monitoring or calling for their basic social or economic needs to be met. Civil society actors frequently say that "security concerns" were cited as the rationale for restricting their voices and actions. It is easy to do that—it is a simple way of controlling what takes place—but it is wrong if it is used for that purpose.

I turn to Pakistan, which I have a heart for; I know that many people in the Gallery have a heart for it, too, as do all the Members who are here. The shrinking of civil society space can be seen vividly in Pakistan, and it is having a detrimental effect on individuals' freedom to manifest and observe their religion or beliefs. That is particularly troubling as civil society has played a key role in supporting the country to move forward in the face of adversity. NGOs in Pakistan have advocated for political processes when military dictators have made life difficult for political parties and made it hard for individuals or civil society to make other collective efforts.

Although many people are trying to move forward, some are trying to pull them back. NGOs have assisted Governments whenever public service delivery, developing democratic systems and responding to mega-disasters have become too challenging. We in this House have helped very constructively whenever disasters have taken place. The Minister was part of that process in his former role. NGOs have even provided a voice for the marginalised and kept human ideals alive. For example, 26 million Pakistanis and 1.5 million Afghan refugees are supported by international NGOs to meet their urgent needs for relief and recovery, as well as their longer-term needs for social and political development.

It is heartbreaking to hear reports of the worsening situation for civil society groups and human rights defenders in Pakistan. Those horrendous stories of specific victimisation and persecution are terribly difficult to hear, especially when we consider the many positive activities in which those people have engaged to help the country develop socially and economically.

In a written statement to the United Nations Human Rights Council in 2015, Christian Solidarity Worldwide highlighted the threats against and intimidation of human

rights defenders in Pakistan, which is a highly divided and polarised society. They face constant threats and intimidation from multiple sources, including state and non-state actors, religious and political groups, local communities, district administrators and the police. CSW said:

“The volatile security situation, growing religious fundamentalism, and complex political circumstances in Pakistan make their work very dangerous.”

Human rights activists who speak out about human rights violations are subjected to harassment and targeted attacks, with little protection from the Government or security forces—specifically the police, whose task that is. There is much evidence from across Pakistan to back that up. Lawyers and judges are particularly vulnerable when defending the rights of people accused of blasphemy. Lawyers who take on blasphemy cases are subjected to extreme pressure before, during and after court hearings. CSW reports that activists,

“lawyers and district level judiciary have been threatened and killed throughout Pakistan”.

Rights defenders continue to be harassed and attacked with impunity, creating an air of silence and fear in society.

The murder in 2016 of several activists epitomises what is happening to civil society space across the world. These are specific stories of people who were targeted. Zafar Lund was shot in the head by unidentified assailants and died outside his home in Kot Addu in Punjab province on 14 July. He was a member of a civil society forum that aims to protect water rights. He promoted local Saraiki folklore and storytelling, and supported education and children’s rights. On 7 May, Khurram Zaki, a prominent human rights campaigner and editor, was shot dead by four unknown assailants while he was having dinner at a restaurant in north Karachi. More recently, there have been concerns about the enforced disappearance of four human rights activists who have campaigned for human rights, including the right to freedom of religion and belief, and had a blasphemy case brought against them. They have used their blog to report on human rights violations by security forces and religious extremists in Pakistan.

Those cases feed into the wider trend of silencing civil society that has sparked protests across Pakistan against the abduction of activists. However, the Ahmadiyya community has been subjected to the worst actions against civil society, as the right hon. Gentleman said. On 5 December 2016, 28 armed police from the counter-terrorism department of the Punjab police forcefully entered the headquarters of the Ahmadiyya Muslim community in Rabwah. The raid was carried out without a warrant, and four Ahmadiyyas were unlawfully arrested under anti-Ahmadiyya and anti-terror laws. Using the law of the land to target people is a crime, and it should not be allowed to happen. Those people are being held in custody and have been tortured, despite having committed no crime whatever.

That raid followed the arrest and conviction in January last year of an 80-year-old shopkeeper, who was imprisoned for eight years under anti-terror laws for possessing copies of the Koran. There are serious concerns that the recent arrests will similarly result in unlawful sentences, without any justification. The raid marks a turning point in the history of Pakistan, as it was carried out by the Government rather than extremists. There is something seriously wrong when the Government, who we should

all have faith in, use their strength and power to target minorities and ethnic groups. It is almost unbelievable. The fact that police are able to enter Ahmadiyya premises without a warrant and against a high court order, make arbitrary and unlawful arrests, subject Ahmadiyyas in custody to torture, and convict them without any evidence sets a dangerous precedent. That concerns me and others who are here today. What discussions have the Government had with the Pakistani Government to end their misuse of anti-terror laws and ensure that civil society is safe and able to thrive for the positive development of Pakistan?

While I am focusing on south Asia, I will also raise the case of Shahidui Alam, a world renowned photographer and journalist from Bangladesh who has very close ties with us in the UK. Just this morning, he and others were arrested in Dhaka while protesting against the Bangladeshi Government’s plans to build a coal-fired power station near the Sundarbans, the world’s largest mangrove forest and a UNESCO world heritage site. Police allegedly used excessive force and violence, and a bus, to ram down the crowds. Previously, they have used water cannon to dispel peaceful protests.

Security forces in Bangladesh have a well-documented history of using excessive force to prevent protests, which I and others have raised in the House before. There has also been a sharp rise in the targeting of activists and protestors by Government forces, and an increase in restrictions on civil society in general across Bangladesh. Protests against the power station’s construction are ongoing. Those issues are for another debate, but we must look at them. They illustrate the continuing disproportionate response of the Bangladeshi Government, who, in direct contravention of international human rights obligations, shut down peaceful civil society protests and reduced the space for protesters to be heard and engaged with. Again, can the Minister reassure the House and those involved in this debate that, given our close ties with Bangladesh through our diaspora communities and the Commonwealth, the Government will press this issue with their counterparts there?

The issues in Bangladesh go well beyond those I have listed; I will speak on others as well. Organisations have expressed many concerns about Bangladesh and the closure of its civil society. Restrictions on freedom of expression, under section 57 of the Information & Communication Technology Act, 2006, have caused particular concern. It states that any person deliberately publishing any electronic material that causes law and order to deteriorate, prejudices the image of the state or person or causes hurt to religious belief will be punished with a maximum of 14 years and minimum seven years imprisonment.

The Bangladeshi Government have used that section to arrest and charge journalists for publishing what they allege to be fake, obscene or defamatory information in electronic form. The ICT Act has previously been used, and continues to be used, to oppress freedom of expression in Bangladesh, and amendments to the Act in 2013 further increase police powers and penalties for violations. The growing application of section 57 threatens the space for civil dissent in Bangladesh.

Law enforcement agencies and the Bangladeshi Government were slow to respond to the murders of several bloggers. In fact, the Government’s response was negative; they urged the bloggers to curb their

[Jim Shannon]

writing and impose self-censorship, which, again, is a curtailment of the freedom of the press. One conservative Islamic group called on the Government to punish atheist bloggers who criticise Islam, and several bloggers were arrested under the law that prohibits publishing such works. Asif Mohiuddin went into exile following accusations of blasphemy in 2015; news editor Probir Sikdar was arrested after publishing information about a war criminal in August 2015; and Mohon Kumar Mondal, the director of the Bangladeshi non-governmental organisation LEDARS, was charged for damaging the religious sentiment of Muslims in September 2015. It is evident from interviews that self-censorship is occurring as a result of attacks, fear and misuse of the law. There is also a feeling that the current Bangladeshi Government are in denial. Those are some examples of what is happening in Bangladesh.

There are other examples across the world of the silencing of voices that appear to challenge Governments. The words of the former UN Secretary-General, Ban Ki-moon, offer an apt reminder that:

“If leaders do not listen to their people, they will hear from them—in the streets, the squares, or, as we see far too often, on the battlefield. There is a better way. More participation. More democracy. More engagement and openness. That means maximum space for civil society.”

India’s Intelligence Bureau—a sub-agency of the Ministry of Home Affairs—published a report in June 2014 that alleged:

“A significant number of Indian NGOs...have been noticed to be using people centric issues to create an environment which lends itself to stalling development projects.”

Again, that is an attack on expressing oneself on important issues—environmental issues or whatever—in civil society. The report mentioned several campaigns targeting the Government on economic and development issues. Subsequent sweeping measures to clamp down on NGOs receiving foreign funding have undermined the work of civil society. Following the Intelligence Bureau’s report, the Ministry of Home Affairs barred several NGOs and human rights activists with international links from receiving foreign funds by suspending their licences for six months and freezing their bank accounts.

There are significant concerns that human rights defenders and NGOs, and foreign organisations that fund them, are becoming targets for state repression. That is exacerbated by nationalist groups calling on the Government to curb the work of foreign NGOs in the country, claiming that foreign involvement is not conducive to India’s development. The Foreign Contribution (Regulation) Act, 2010—the FCRA—restricts the work of human rights defenders, as do some income tax regulations.

The US Government—whom it seems we will be in partnership with, based on what the President has said—have expressed concerns over the crackdown on the activities of both local and international NGOs in India. The US Government have seen it, and we must back them up on that. Three UN human rights experts—the special rapporteur on human rights defenders, Michael Forst; the special rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai; and the special rapporteur on freedom of opinion and expression, David Kaye—have also recently called on India to repeal the FCRA, as it is increasingly being used to obstruct civil society.

All NGOs receiving external funds are required by law to register with the Ministry of Home Affairs. Again, the Indian Government are using tax regulations to restrict and control what happens. In April 2016, Maina Kiai showed that the FCRA does not conform to international laws and standards. Those are clear issues. The Department for International Development and the Foreign and Commonwealth Office have recognised that, agreeing with the Charity Commission in 2012 that there was scope for the UK to contribute more actively to the Working Group on Enabling and Protecting Civil Society. However, that is not reflected in that group’s current membership.

DFID’s current civil society partnership review, which was announced by the Secretary of State for International Development, sets out a simplified new central funding system for civil society organisations that supposedly incentivises good performance and pushes for more efficiency, transparency and accountability. While value for money and stemming profiteering is welcome, I ask the Secretary of State through the Minister who is here, what she is doing to ensure that the current stringent reassessment of DFID’s partnership with grassroots organisations will not, in practice, endanger UK support of vital civil society action—especially that which helps to achieve DFID’s strategic priority to

“promote the golden thread of democracy, the rule of law, property rights...and open, accountable institutions.”

In December 2016, UNESCO expressed “deep disagreement” with the methodology used in DFID’s multilateral development review, and concern that

“values of peace and dialogue”

are not anchored in DFID’s new practices. Oxfam chief executive officer, Mark Goldring, echoed concerns that DFID fails to demonstrate convincingly that it is

“wholeheartedly committed to building the partnerships with civil society that organisations need.”

When allocating funding, DFID is often fearful of mixing religion with development by supporting faith-based organisations. We must take that on board.

Despite the right to freedom of association, assembly and expression, and freedom of religion or belief, those groups of individuals are frequently shut down and marginalised under anti-terror laws because they are perceived as providing an alternative narrative to the state’s. What is wrong with providing such a narrative? Freedom of expression and religion are vital to society as a whole. After all, some strands of religion have an overtly political agenda, while others promote or condone discrimination against women and violence, including terrorism.

Most major aid agencies have recognised the limitations of not strategically engaging with religious-based groups. By ignoring the underlying religious beliefs that shape attitudes in most parts of the world, secular development has not had the impact on human behaviour it had hoped for. Treating religion as irrelevant has also not prevented the emergence of extremism. Engaging with religious-based civil society needs to be done with care, with bottom-line criteria set out in partnership. It must also be done in a sensible way, with openness and understanding, moving to engagement through open, constructive discussion on differences in values and objectives. Seeking to engage them as equal partners, instead of estranging them, will also be useful.

Faith-based organisations already provide trusted community focal points and have a strong track record of delivering services and eliciting motivated voluntary service religious leaders. Furthermore, those institutions are often the most trusted in developing countries. Such organisations and groups have been at the forefront of advocacy, including in the civil rights movement in the US, the Jubilee 2000 debt campaign and the frequent religion-led resistance to dictatorships in Asia, Latin America and Africa. It is crucial to understand that diverse religious communities often co-exist peacefully, and that the shortcomings of egalitarian Government provision tend to stoke violence that erupts, which, though it may take on a religious garb, may not be about religion itself—as seen with Boko Haram in Nigeria, for example.

I am sure that the all-party parliamentary group on international freedom of religion or belief, which I chair, and other hon. Members would be delighted to help DFID to think through how it works with the religious-based section of civil society. Though often tricky, it is crucial for achieving strategic objectives. I also hope that that understanding can be mainstreamed across all Government Departments and programmes, including countering violent extremism programmes, so that civil society groups from a particular faith background, both around the world and in the UK, are not, in practice, targeted and in turn disempowered.

The insistence by some that extremism—which, as yet, has no clear definition—is driven above all by religious ideology must not limit individuals' right to voice critical concerns about Government action. The protection of individuals' freedom of expression, and the ability to associate and assemble, are greatly needed, not only for holding the UK Government but for holding all Governments to account. We must watch closely to ensure that counter-terrorism policy does not cross the line it has crossed in Pakistan, Russia and Egypt.

I will conclude, because time is passing very quickly. Where civil society groups are not currently able to raise their voice in countries around the world—we have heard in interventions and, I am sure, will hear from other hon. Members that that is the case—I encourage the UK Government and the Minister in particular, either directly or through organisations such as the Commonwealth Human Rights Initiative and the International Panel of Parliamentarians for Freedom of Religion or Belief, to support and capacity-build parliamentarians to raise human rights issues in their own countries, providing a voice for civil society.

In this time of the UK's withdrawal from the EU, a move that I fully support, how will the UK work both in its own programming and in conjunction with the EU, the Council of Europe, the Commonwealth and international parliamentarian networks to ensure that civil society is protected, supported and heard? We need to ensure that we in this House, who are all now a part of civil society in some way, shape or form, continue to protect our space and those who use that space in order to help one another to be safe and have better lives. For the avoidance of doubt, that is what human rights is all about.

2.1 pm

Fiona Bruce (Congleton) (Con): It is a pleasure to serve under your chairmanship, Mr Turner, and to follow the hon. Member for Strangford (Jim Shannon),

who is such a doughty campaigner in this place for freedom and human rights. I thank the Backbench Business Committee for granting the debate. I also thank CAFOD—the Catholic Agency for Overseas Development—and its representative Ruth Stanley, who a year ago brought to my attention an issue that deserves greater prominence than it is currently receiving: the deeply concerning trend towards the shrinking of the space for civil society to operate, in countries all around the world. As UN Secretary-General Ban Ki-moon has said:

“Civil society is the oxygen of democracy... Civil society acts as a catalyst for social progress and economic growth. It plays a critical role in keeping Government accountable, and helps represent the diverse interests of the population, including its most vulnerable groups... Yet, for civil society, freedom to operate is diminishing—or even disappearing.”

In the past five years, concerning developments are increasingly limiting the ability of civil society to function. Indeed, as DFID says in its recent “Civil Society Partnership Review”,

“Around the world, civil society is facing unprecedented pressure, from violent attacks to attempts to close down the space for democratic dialogue and debate. The UK Government, as part of its commitment to freedom of thought, association and expression, will stand alongside civil society against these encroachments.”

I strongly welcome those words. I also welcome the presence at the debate of not only a Foreign Office Minister, my right hon. Friend the Minister for Europe and the Americas, but a DFID Minister, my hon. Friend the Member for Penrith and The Border (Rory Stewart). Their presence signifies the importance that those Departments attach to this issue, and we thank them for it.

It is important that we examine why civil society across the globe faces the pressure that it does today. I will talk later about four themes on which we could reflect. I have become increasingly concerned about this issue over the past year as chair of the Conservative Party Human Rights Commission, which has been looking into it.

What do we mean by civil society? I suggest that we mean the complex weave of individuals, organisations and institutions that endeavour to manifest the will of a people living in a community or country. That is non-governmental. They endeavour not only to manifest the will of the people—to give them a voice—but to maintain and support their human rights and freedoms.

Tom Brake: I commend the hon. Lady and the hon. Member for Strangford (Jim Shannon) for the very important roles that they both play in campaigning on these issues. She mentions human rights. Has the Conservative commission that she chairs looked at the case of Nabeel Rajab from Bahrain? He is clearly a very prominent human rights campaigner and he has been detained there for reasons that many of us believe are bogus.

Fiona Bruce: We have not looked at that specific case, but I thank the right hon. Gentleman for drawing it to my attention—we will do so.

Civil society helps by speaking out against the bad, such as corruption, impunity, service delivery failure and electoral fraud, and by promoting the good—identifying and articulating citizens' development needs

[*Fiona Bruce*]

and priorities. I saw that when I was in remote Nepal with the Select Committee on International Development. There, UK aid workers were helping community groups, including women's groups, to come together to prioritise the basic needs of their area—for example, the need for improved roads and bridges—so that those priorities could be conveyed to regional and then national Government for potential allocation of resources.

Civil society includes community groups such as I have mentioned, but also a hugely diverse range of other structures. Some are loose associations of people mobilised behind a common goal. Some are well-funded and well-organised charitable hierarchies or NGOs. Some campaign for change. Some want just to provide frontline help. In short, civil society is an extremely broad church—if I may use that metaphor. That makes it difficult to generalise about the trends affecting civil society.

The complexity and depth of analysis required really to get a handle on what is happening today does not make for easy headlines or neat, focused campaigns. That is one reason why we do not hear enough about it, and that is why I commend CAFOD and other organisations concerned about the issue, whose workers live and work in challenging environments where they see at first hand how civil society freedoms are being eroded, and then enable us to bring their concerns into this place.

Often, when civil society freedoms are being eroded, it is by creeping incrementalism. The subtle undermining of civil society freedoms is rarely accompanied by great fanfare. A new law may at first seem innocuous, but it might prove to have a devastating effect on civil society—an effect felt only later. We rarely notice these types of changes, so when they happen a sense of urgency is often not present.

I will reflect, in Holocaust Memorial Week, on one of the worst examples of incrementalism in the last century: the actions of the Nazis. At first, relatively small steps were taken, such as discouraging the reading of certain books or the keeping of them in one's home. Then, employing a Jewish housemaid was banned. But where did that marginalisation and exclusion ultimately lead? To the gas chambers.

That is why we need to worry more than we do about what is happening to civil society across the world today. We should not be accused of being sensationalist, when we hear, for example, of an NGO being expelled from Egypt, Ethiopia or Cambodia. We should not assume that those are localised cases even though it is not immediately obvious that they may be part of a wider pattern. The sad reality is that events such as those do reflect a current global trend.

In 2016, the Mo Ibrahim index of African governance included for the first time a specific indicator for measuring civil society space. It captured the extent to which civil society actors are allowed to participate in the political process, as well as the freedom of NGOs to operate without fear of persecution or harassment. The concerning findings are that nearly half the African population live in a country in which civil society participation has deteriorated. Two thirds of the countries on that continent, representing 67% of the African population, have shown a deterioration in freedom of expression in the past 10 years.

The main thrust of my message today is not so much to point a finger at Government or Ministers to do more—I am sure that the Minister will be relieved to hear that, although I will not miss that opportunity—as to say that all of us, from individual citizens to elected representatives such as Members of Parliament to influential global institutions such as the World Bank, need to be vigilant, speak out and do more to protect the civil society space in which our brothers and sisters around the world are working to improve the lives of those around them. I referred to the World Bank because I had the privilege of attending the World Bank gathering in Washington last autumn, when a group of parliamentarians from across the world raised this issue. They said that the increasingly shrinking civil society space, including in many of their countries, really needs to be attended to and highlighted more.

Why do we hear reports of the shrinking space for civil society to function, not only in Africa but around the globe? I will suggest four trends that might help to provide a partial explanation and paint part of the picture for this complex and concerning global issue. First, and perhaps most alarmingly, there is the trend in certain countries for more frequent extrajudicial killings, detentions, torture and disappearances. From Thailand to Bangladesh, to Kenya, to Congo, to Saudi Arabia, violence is a daily reality for many civil society workers and volunteers. In eastern Democratic Republic of the Congo, kidnap by and violence from armed groups remains a daily risk.

According to the “Aid Worker Security Report 2014”—the most recent one that I am aware is available—120 aid workers were killed, 88 were wounded and 121 were kidnapped in the course of their work. Those are the highest figures ever recorded, and yet even they exclude many local people whose situations have gone unrecorded. Human rights violations and allegations include illegal rendition, such as that of Andy Tsege, whom several of us spoke about in this Chamber a short time ago. There is torture and the enforced disappearance of grassroots activists.

To highlight another example, I understand that the Irish citizen, Ibrahim Halawa, is now serving his fourth year in prison for taking part in peaceful democratic protest in Egypt. We are told that in this period, he has endured beatings with whips and chains, blindfolding, solitary confinement, electrocution and psychological torture. We are also told that when he was in solitary confinement, he was kept in a cell measuring half a metre by half a metre. It was impossible to lie down and he had to go to the toilet on his cell floor. We heard from the Egyptian authorities that he is to be released, but that has not happened yet. I hope that they will hear this debate and that his release will indeed happen.

It goes without saying that colleagues are united in condemning such abuses, but the connection to civil society freedoms is made too infrequently and inadequately. Such violations are each rooted in a willingness on the part of authorities to dispense with core human rights: the freedoms of association, expression, thought, and religion or belief. We hear so often of those freedoms being eroded—of people not being able to get a job and of planning permission not being granted to, for example, church organisations for buildings. All those freedoms are essential for a thriving civil society to exist. As I mentioned earlier in reference to the Nazi persecutions, the erosion of those freedoms is often where things

start, but they end up with the kind of dreadful crimes against humanity, torture, imprisonment and deprivation that I referred to.

The second trend I shall highlight is the proliferation of restrictive legislation: the tendency for certain Governments to impose excessively onerous registration requirements, particularly on non-governmental organisations. That often targets legitimate action and impinges on civil society's rights of freedom of expression, assembly and association. Some laws restrict the foreign funding of NGOs.

Another example of a restrictive requirement is that in Ethiopia, only 30% of an organisation's costs can be spent on what is classed as administration. That has a very narrow definition, which severely limits civil society. Legislation in Cambodia has restricted civil society organisations from working on politics, limiting their ability to monitor elections or criticise corruption. Since January 2012, at least 120 laws have been enacted in more than 60 countries to restrict the ability of civil society organisations to register, raise funds or operate.

Organisations are straining to meet the increasingly onerous administrative demands of Governments. In many countries the registration of NGOs has become a lengthy, multi-stage process with uncertain timeframes for decisions. That all requires significant resources, which few organisations can afford. I have heard that in China, if a new NGO with international links wants to set up, they must partner with a domestic organisation, therefore increasing the Government's ability to subject such groups to checks.

In some instances, organisations have been asked to comply with new regulations by a certain date. Failure to do so means that they are forcibly deregistered. We have heard that organisations are united in the belief that that is the way to silence dissenting voices. Some Government leaders justify the discrepancy by appealing to populism—for example, by seeking to portray international NGOs as a malign foreign influence. This is not the time to open up that debate, but suffice it to say that the end result of those restrictions is that often well-intending NGOs seeking to protect or extend civil liberties or human rights, or even to provide humanitarian aid, have ended up closing.

The third trend I will speak about is the use—perhaps I should say the misuse—of so-called anti-terror laws to close down, intimidate or restrict the activities of legitimate organisations. In Kenya, for example, there has been a clampdown on NGO operations in the past two years, targeting pro-democracy organisations. Bank accounts have been frozen and the leaders of organisations face criminal investigations, as allegations are made of their organisations being used as a source of terrorism finance.

Most people understand that the rising spectre of global terrorism has resulted in Governments reflecting on whether their anti-terrorism laws are sufficient for the unprecedented threats that we face today, particularly from ISIS. Most people also recognise the need for special measures to enable Governments to pre-empt and rapidly respond to threats of terrorism. However, we hear that powers afforded by such legislation, such as detention without trial, are being applied in cases in which there is no evidence of any terrorist link whatever. Political opponents, human rights defenders and even NGO employees have been subject to arbitrary detention, justified by anti-terrorism legislation.

The pattern can extend far beyond detention without trial. In Malaysia, for example, a council has been created with the power to declare “security areas”, within which the council can invoke special measures to arrest and detain without warrant. The misuse or overuse of anti-terror legislation also has indirect effects.

Jim Shannon: In business questions in the House today, I had the chance to highlight the persecution of Christians under Malaysian civil law specifically and to ask the Leader of the House to agree to a debate on that issue. Although Malaysia looks outwardly like a peaceful country with few restrictions, it is actually a country with significant and substantial restrictions.

Fiona Bruce: What often happens in such cases is that a climate is created in which individuals and organisations self-censor for fear of reprisals—the so-called “chilling effect”.

Lest we think that it is only in other countries that counter-extremism measures threaten the space for civil society to operate, let us reflect on the proposal made by our Government last year, in connection with their proposed counter-extremism measures: that all youth organisations outside schools teaching young people for more than a certain number of hours a week should be required to register with central Government and potentially be subject to Ofsted inspections, to ensure that they are in line with a list of values drawn up by the Government. At one point, it was suggested that just six hours a week of teaching outside school was sufficient to require central registration. The proposals could have covered traditional and clearly non-threatening church groups, such as Sunday schools or youth groups.

Fortunately, we have heard little about the proposal since the justifiable outcry against it by several Members of Parliament during a debate in this Chamber. I hope that the Government have quietly dropped it, but it goes to show how vigilant we must be to protect civil society even in our own country. Whenever we have the capacity, we should also do our best to challenge restrictions in other countries where they can be much more severe. We must do so on behalf of those in more vulnerable societies who do not have the opportunity to speak out for themselves as we do here.

The fourth and final trend is the harassment of civil society organisations. One issue arising from legislation relating to the registration or operations of NGOs is that laws are drafted so broadly that the scope for interpretation is wide open, enabling authorities to pursue agendas tantamount to harassment under the guise of implementing legislation. Excessive monitoring, threatening phone calls and unannounced inspections are commonplace. The Catholic Agency for Overseas Development reports that its partner workers in Sri Lanka and Latin America face surveillance, threatening phone calls, searches and disruption of community events. Fraud, tax, blasphemy and slander legislation is applied arbitrarily to criminalise the activities of human rights defenders or outspoken advocates, resulting, in extreme cases, in abduction and extrajudicial killing.

Those four trends only scratch the surface. There is overwhelming evidence that freedom of conscience, thought, religion and belief—in many ways, the bellwether of a healthy civil society—is progressively being undermined. Freedom of expression is under threat; in many parts of

[Fiona Bruce]

the world, journalists live in fear. Around 250 are serving prison sentences as I speak. I mentioned the issue not long ago in a House debate on Bangladesh. In Hong Kong, too, following the arrest of booksellers, we hear that journalists there feel intimidated, and even young representatives elected to their legislature are being threatened and denied the right to take up their seats.

Taken together, those trends paint a distressing picture of the state of civil society around the world. If civil society is the oxygen of democracy, as former UN Secretary-General Ban Ki-moon described it, it is in many places struggling for breath. It is therefore critical that we here, in what has been described as the mother of Parliaments, speak out and provide that much-needed breath. To colleagues who, like me, believe that foreign aid is an essential moral duty of the modern state—I know that there are many in the room—it is a matter of deep concern that such issues are occurring in many countries where UK aid is expended. I welcome the Government's commitments in DFID's recent civil society partnership review to tackle them.

Tom Brake: I apologise to you, Mr Turner, and to the Minister; because I must go to the Holocaust Memorial Day service, I will not be able to hear the summing-up. Does the hon. Lady agree that this is one of the most important things that the Government could do in relation to Syria? Surprisingly, there are still civil society organisations active there. The Government might consider more investment to secure successful elections in the part of Syria near the border with Turkey, where there is still civil society activity.

Fiona Bruce: I thank the right hon. Gentleman for making that suggestion, and I hope that the Minister will address it in his response.

I welcome the Government's words in the first paragraph of the partnership review:

"A healthy, vibrant and effective civil society sector is a crucial part of Britain's soft power and leadership around the world. The Government will give them our strongest support."

The UK can use its considerable soft power to influence global behaviour. Although I would always like to see more done, I commend our Foreign Office Ministers and officials for raising concerns privately and publicly. For example, FCO officials supported land rights activists in Colombia by visiting them, improving protection of their livelihoods by helping them raise the visibility of their case. Just yesterday, when I met the Minister for Asia and the Pacific, he confirmed that he had raised human rights concerns with the Chinese authorities over the alleged forced harvesting of the organs of prisoners of conscience in that country.

The UK Government have given excellent international leadership by example in respect of listening to civil society advocates by tackling female genital mutilation, taking up what was wrongly seen as a niche issue. Our Government are doing a lot. Of course I think that DFID could do more; I have said many times in this Chamber that I believe it could do more to support freedom, particularly of religion and belief. When I went to Nigeria, I was concerned that I had to fight to get a representative of a major Christian organisation there to come to a roundtable discussion involving other NGOs.

I welcome the new review. It refers to commitments by DFID, including that we will

"increase opportunities for in-country CSO engagement with DFID country offices, including working with...faith groups".

That is exactly what I am talking about with regard to my Nigeria experience, so I am pleased to see that commitment in the review.

I am also pleased to see the commitment that DFID will

"help shape the environment in which CSO operate. We will address declines in the operating space for civil society that reduce civil society's ability to improve the lives of poor people and hold those in power to account. Alongside other UK Government departments, DFID will support organisations that protect those under threat and increase understanding of the extent, causes and consequences of closing civic and civil society space."

I appreciate that the Department for International Development Minister, my hon. Friend the Member for Penrith and The Border, has had to leave this debate, but I am grateful to my right hon. Friend the Minister for Europe and the Americas, who has remained to respond. I was going to ask the DFID Minister to tell us in a little more detail how DFID will action the commitment; perhaps he will ask his colleagues in DFID to respond to that question in particular.

As I said, there is much more that we can do—all of us; not just Ministers. I have therefore suggested that the Select Committee on International Development should consider sustainable development goal 16:

"Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels."

That is a new goal and a new commitment. I hope that the Committee will examine how it is being implemented internationally, as well as through UK aid. It would go a long way towards tackling some of the grave challenges that I have outlined.

I end by reiterating the complexity of the issue and the incremental way in which freedoms can be eroded. I hope that we will all be stirred into recognising the urgency of the issue and into speaking out to protect civil society far more. In the current atmosphere of rising nationalism and economic protectionism, and with Islamic State so threatening, legislation putatively designed to address those issues could become more common, as could Government acts to deter them. If the pattern of the last decade is an indicator, abuses will therefore also become more common, unless we all resolve today to redouble our efforts to ensure that the oxygen of democracy continues to flow, so that civil society can play its vital part around the world.

2.29 pm

Natalie McGarry (Glasgow East) (Ind): It is an honour to serve under your chairmanship, Mr Turner. I congratulate the hon. Members for Strangford (Jim Shannon) and for Congleton (Fiona Bruce), as well as my hon. Friend the Member for Glasgow North (Patrick Grady), who we will hear from later, for securing this debate through the Backbench Business Committee.

I will concentrate on Turkey today. I want to talk about the erosion of civil liberties in that country—one of our most pervasive issues in the EU, particularly because Turkey is on our borders. We do not hear enough about Turkey in the UK media; it seems to be the truth that dares not speak its name.

This debate is especially pertinent at the moment, given that this is a time of great uncertainty. Even in the country that calls itself the leader of the free world, six journalists have been charged with rioting for reporting what happened on President Trump's inauguration day. America, in President Trump's tiny hands, faces a very uncertain future. With that as a background, what is happening in Turkey—especially given America's relations with Turkey—is particularly important.

Turkey should be important to everybody, but it is personally important to me. In the last year, I have travelled there and seen for myself the erosion of civil liberties. Even before the coup, I met representatives of organisations that were already suffering from the crackdown on civil space and the shutting down of organisations in the country.

Indeed, I went to visit Sur, in Diyarbakir, to see what was happening to the Kurdish populace and also to areas such as Cizre and Surnak. I was detained by the Turkish forces for taking a picture of the bombardment. It might have been naive to take a picture of what is a military procedure, but I did it because I had been told by media organisations in this country that the reason why they did not report what was happening to the Kurdish populations in those areas was that they did not have any evidence of what was happening. They needed some reliable testimony, and they would not take it from any of the actors involved. Given that the Turkish state had expelled journalists and prevented them from going into these areas to report on them, we were getting very little from those areas.

This is not about me, but I will say that that experience was the most terrifying of my life. I was dragged off a street behind the demarcation line and taken into a shack filled with guns and people who did not speak any English. I was refused a translator. As I say, it was terrifying. I am in the very fortunate position of being a Member of Parliament: using Google translate, we managed to get that message across to my captors, and the consulate and the embassy did stellar work to get me released. But I am a British Member of Parliament—

Patrick Grady (Glasgow North) (SNP): Scottish!

Natalie McGarry: Yes—a Scottish Member of Parliament.

Jim Shannon: You were right the first time—[*Laughter.*]

Natalie McGarry: I am a Scottish Member of the British Parliament.

I am so fortunate that I could rely on those networks to release me; if I had been a Kurdish activist, a journalist, a member of an NGO, a teacher or a judge, my rights would not have been asserted. I could have been there not for hours but for days, weeks and months, perhaps without trial.

When I was released, Kurdish people were waiting for me because they thought, “You can at least slightly identify with what it is to be grabbed off the street and taken away, for doing nothing more than taking a picture as evidence”—evidence of what, in my opinion, is nothing more than a brutal, ideological attack on the Kurds.

Jim Shannon: I thank the hon. Lady for her courage and fortitude in what she does for the Kurdish people in this House and in the meetings that she has personally

organised; some of us here have been able to help her. Does she feel that one way of addressing the Kurdish issue is to give the Kurds self-determination in this area and that Turkey, Syria and Iraq need to do just that?

Natalie McGarry: That is a very pertinent point. In my opinion, the Turkish state participated very strongly in the breakdown of the peace process in 2015. I think that was very deliberate; in my opinion, the state's actions since have proven that.

Let us turn to Syria. In Rojava in the northern area, the people are quite clear that they are not trying to create a separate Kurdish state; instead, they are trying to work within the current parameters. If the Turkish Government were to consider some form of federalisation, respecting the identity, culture and language of the Kurdish people, particularly in the south-east of the country, we would get much closer to a peaceful solution. However, while the Turkish Government refuse to do that, we will continue to see the likes of what we have seen in the last few months.

In any kind of democracy, free media, freedom of expression, freedom to protest, judicial freedom and independence, and freedom of assembly are all key rights—the very foundation stone of what it is to be a democracy. Turkey has been celebrated for being a secular state: the bridge between the east and west. That may have been true a number of years ago, but it is certainly not the case now. Under President Erdogan, we are seeing an increasing Islamisation of culture, society, education, the judiciary and the Parliament.

I will read out some numbers. The sheer scale of what has happened in Turkey after the coup and the purge is breathtaking in its enormity. I want people who are listening to this debate to understand. Since 15 July last year, 123,567 public officials have been dismissed; 88,642 people have been detained; 42,452 people have been arrested; 6,986 academics have lost their jobs; 3,843 judges and prosecutors have been dismissed; 151 journalists—some say 200—were arrested; and 3,861 Twitter users were detained and 1,734 arrested. In addition, the following bodies and organisations have been shut: 149 media outlets; 1,284 schools; 800 dormitories; 15 universities; 560 foundations; 54 hospitals; 1,125 associations; and 19 trade unions. In total, 3,520 different entities were shut down.

The remaining media organisations are largely controlled by the Turkish Government—or they are scared, because journalists have already been imprisoned. Next week, Can Dündar—I apologise for my massaging the pronunciation of his name—will come to this House as a guest of PEN, to talk about his experience. He was the co-editor of *Cumhuriyet*, at the time the biggest selling Turkish newspaper. I met him in the House a few months ago; he is currently exiled from Turkey, because he was sentenced to five years and eight months in prison for reporting that Daesh was being allowed to cross the border and transport oil. He was charged as a traitor and, after months of detention and torture, sentenced to prison.

As I say, Can Dündar is coming here next week. He is an international figure and yet Turkey still has no fear about taking such people into detention. Turkey is not scared of any kind of international condemnation, because it does not hear any international condemnation, certainly not publicly. We should ask why that is. Is it

[Natalie McGarry]

because of the refugee crisis and the fact that it has 2.6 million refugees within its borders, or is it because of the blank cheque for 6 billion euros that it was promised by the EU? Is it because of the threat of refugees coming into EU countries? What does Turkey have that prevents international condemnation of heinous actions, as shown by the figures I have just cited?

Turkey is not a healthy democracy, and I have only just started with the journalists; now I have to move on to the politicians. President Erdogan has changed what was a democracy into a presidential state. He is going through all the rote of that at the moment. He has removed the immunity of the Kurdish HDP MPs. Those representatives were democratically elected in 2015 in two separate elections, and the majority of them have been arrested.

When I was in Diyarbakir, I met with the co-mayors. There is a co-mayor system in the Kurdish areas, because they have gender balance. The co-mayors told me that their offices were raided monthly or fortnightly by the Turkish state trying to find some evidence of a link with the PKK. They came up empty-handed every single time. The representatives' immunity has been taken away, and Erdogan has granted himself expansive powers as a result of the coup, and the co-mayors have been arrested and have been in prison for months. Mayors, co-mayors and HDP politicians are in prison. Selahattin Demirtas, the co-leader of the HDP, is in prison, snatched in the middle of the night from his home. All have been charged, with absolutely no evidence, with the vague charge of aiding and abetting terrorism.

I had a guest, whose name escapes me—I will correct the record when I remember—who attended Parliament to speak to a group. On his return to Turkey, he was taken into custody. Part of the charges against him was that he had attended the UK Parliament and criticised President Erdogan. More than 1,000 people have been charged with or are in prison for insulting President Erdogan. That sounds Trumpian in terms of having a thin skin, but actually it is terrifying.

I do not know whether Members in the Chamber or people watching recall that just last year, a German comedian was the subject of international press interest. He had mocked President Erdogan with a satirical song he had written. President Erdogan contacted Angela Merkel to demand that the comedian be charged and dismissed from his position. Erdogan was interfering in German democracy, which is absolutely shocking, but Germany did not tell him where to go. Angela Merkel caved to the pressure from Erdogan, which is a damning indictment of the power he seems to have over Europe.

Post-coup, we are living in this reality where people cannot criticise the President. They can be imprisoned and detained without charge. A massive prison-building programme is ongoing, with multiple prisons being built. When I was in Turkey pre-coup, I met with the families of political prisoners. They told me that their relatives were being situated thousands of miles away so that they could not visit. They said that political prisoners were allowed a visit only once every two weeks. They could not take children in with them as no more than one person could go in at a time, in case there was collusion. They had to split the visiting time up, with the mum getting 20 minutes and each child getting

20 minutes. They were not allowed to visit together. Allegations of the sexual assault, rape and torture of political prisoners are rife. There is verifiable testimony that that has occurred.

What is also happening is a social media campaign aimed at closing down social media spaces and threatening journalists and people who disagree with Erdogan. There are bots that, as soon as things are mentioned, send threats to people on social media. After my detention, I received some death threats emanating from Turkey. I was called a PKK terrorist whore. I received threats of rape and sexual violence. Those threats were auto-generated in seconds. I went to the Met police, and they were very reassuring, but within Turkey those threats are particularly made against women and people seen as opponents of Erdogan at all levels. It would be terrifying to be in a country, not knowing who is making those threats. That is further evidence of the use of threats of violence and sexual violence to close down discussion and spaces.

I have spoken for quite a long time. I conclude by talking about what we can do. The right hon. Member for Carshalton and Wallington (Tom Brake) made a very interesting point before he had to leave. He said that the civil space and structures exist, and that was one thing that came out of meeting people in Turkey. Civil space in Turkey does exist—NGOs are there, trade unions are there and the structures are still there; it is just that the pressure from above is trying to close them down. There is hope. There are people there and structures that the Government can work with and help support, if they have the desire to do so.

The Prime Minister is meeting with President Erdogan this week. I hope that she goes much further than the Foreign Secretary did when he visited Turkey last year. He said half a sentence about the situation in Turkey. He said that we would like

“a measured and proportionate response”,

which does not go nearly far enough. He spent more time talking about washing machines and trade deals with Turkey than talking about the very real and dangerous civil rights situation there. The UK Government must be seen to be doing more, including standing up for people in Turkey and their relatives around the world, on the impact that Turkey's actions are having on the closing down of civil space right across the middle east.

2.46 pm

Susan Elan Jones (Clwyd South) (Lab): It is a great pleasure to serve under your chairmanship, Mr Turner. I pay tribute to the hon. Member for Strangford (Jim Shannon) for proposing the debate. We all know that he is a tireless and relentless campaigner on these issues. It is a great pleasure to take part in this debate, and to follow him and the hon. Members for Congleton (Fiona Bruce) and for Glasgow East (Natalie McGarry).

It is truly shocking that, according to the International Centre for Not-for-Profit Law:

“Since 2012, more than 120 laws constraining the freedoms of association or assembly have been proposed or enacted in 60 countries.”

I am not proposing to read out any more facts and figures from that organisation, but that gives us some context. There are many ways one could start with a debate on civil society, but I suspect that, in common

with most people in this country, I began at the first course of refuge, which is Wikipedia. It describes civil society as the

“aggregate of non-governmental organizations and institutions that manifest interests and will of citizens.”

That is all very good. “Collins English Dictionary” told me that sometimes the term is used in the more general sense of

“the elements such as freedom of speech, an independent judiciary, etc, that make up a democratic society”.

Of course, if one wanted to look at it in an even more erudite way than Wikipedia, there is Aristotle’s “Politics”, where the whole idea of civil society—the “koinonia politika”—was of the community coming together with shared values for common wellbeing. More recently, we have works such as Robert D. Putnam’s “Bowling Alone”, which make the point that social capital and people coming together are vital in creating cohesion in different societies.

One very important thing to consider when we look at civil society internationally is how what we do can affect cohesion in this country. The hon. Members for Strangford and for Congleton spoke about a comprehensive range of countries and themes, as they so often do. I do not pretend to have such expertise, but I want to look at the impact of what happens in this country in the context of civil society abroad. An important manifestation of civil society in this country is the coming together of different communities. In north-east Wales we are privileged to have an organisation called Together Creating Communities. Since 1995, it has brought together a range of community groups: faith groups, some unions and other community groups. Together they have facilitated and become strong so that local people can take action.

At the end of last year in December, TCC won a charity award from *The Guardian*. TCC has a range of different activities that bring society together, including accountability meetings—it sounds a little terrifying and sometimes is—for candidates standing for election. It brings together a range of other campaigns, too. It brought together a diverse range of groups to make Wrexham the first fair trade county in Wales, forming the basis for which Wales became the first fair trade country in the world. It worked with statutory and voluntary bodies to create an emergency night shelter in Wrexham. Critically, it supported the Muslim community in establishing the Wrexham mosque at the old Wrexham miners’ centre.

Interestingly, the English Defence League in north Wales—I emphasise that it was the English Defence League—held a protest, although it did not attract many people. A key figure at the mosque made the point that, although it was Muslims in the area who wanted the mosque, they were backed by members of Christian Churches and by representatives of other groups all standing firm together. There is a lovely quote by one of the Muslim leaders on the Together Creating Communities website:

“When we went to negotiate with the council”—

this was to do with planning and land—

“we had two other TCC members with us and they were wearing dog collars. The deputy chief executive said: ‘Excuse me, I’m a bit puzzled, you’ve come to talk...about the mosque, so what are the two clergy wearing dog collars doing with you?’ The clergy said: ‘We support them, we are with them.’”

That is an important message from a part of the country where Muslims are a small minority and were supported by a larger faith group and wider society.

As I have said, TCC has a range of campaigns. I have described one of them. Others include tackling debt and irresponsible debt lenders and there is also the fair funeral campaign. TCC asked every funeral director in the county to commit to giving out the funeral price before it takes place, and it has secured that commitment from every one. TCC shows a flavour of what good civil society organisations can be like in bringing people together.

More widely in this country, we can be proud of a great deal of our charitable and civil traditions. I am often amused when I read about this subject. The whole gamut of opinion from neoliberals to Marxists have claimed different bits of the tradition as their own. That is because it is a rich tradition, including churches, faith groups, a range of different charities, mutuals, trade unions and a great many advocacy groups. They are all part of what we see as our tradition. That is why many of us were perturbed by certain aspects of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014, which ran counter to that tradition. I will not dwell on that Act today, but I will dwell on how our tradition matters.

I am intrigued that, in 1601, charity was discussed in Parliament for the first time. The preamble to the Charitable Uses Act 1601 contained a list of purposes that the state believed were of general benefit to society. Of course, that was later developed by case law, which helped to form our modern definition of charitable purposes. So far, so good. What intrigues me even more was that all that was happening at the time of Elizabeth I, a Protestant monarch, who refused to insist that Catholics converted. That was in the early 17th and late 16th century when she repeatedly said,

“I would not open windows into men’s souls.”

She was told time and again, no doubt by the many advisers—I do not know whether there were special advisers in those days but I imagine there were—

The Minister for Europe and the Americas (Sir Alan Duncan): They would have all been men.

Susan Elan Jones: Probably. The tradition of civil society and openness goes hand in hand with the development of charity in our country. It is fascinating that freedom of thought happened at the same time as freedom of action. That is very important for us to consider today.

I want to move on a few centuries and pay tribute to the work of the Charities Aid Foundation, which, as we know, provides great assistance to UK and international charities. It promotes general donations to charities and operates on six continents with services provided by local experts in nine countries: America, Australia, Bulgaria, Brazil, Canada, India, Russia and southern Africa. CAF has called on the Government to consider working even more with Governments overseas to develop civil society infrastructure where the UK is transitioning out of aid funding. In view of CAF’s expertise, will the Minister comment on that point?

My final thought on that subject is that we are probably in a time when nationalisms of different hues are growing and there is a populist message. The hon. Member for Congleton used a word that perhaps more

[Susan Elan Jones]

of us should reflect on: incrementalism. It often starts with something small: a comment, a bit of rhetoric or—dare I say?—a bit of banter. It can then grow to something quite unmanageable: the bashing of Muslims and the insidious growth of anti-Semitism of different varieties on all parts of the political spectrum.

Fiona Bruce: The hon. Lady makes an important point in saying that it often grows to something unmanageable. One of the reasons we have such a massive refugee problem today is that so many people are denied their rights in their home places and are therefore displaced. Is that not an example of how we have incrementally caused a major problem?

Susan Elan Jones: I wholeheartedly agree with the hon. Lady on that point. We also need to reflect on the demonisation of migrants, which in some cases seems to have dropped into common parlance. Let us remember that, in our country—I think it was in the early 1970s—there was a case that resulted in Sikh bus drivers being allowed to wear turbans. Let us remember how long ago that was and remember our tradition of tolerance.

[ANDREW ROSINDELL *in the Chair*]

I have a little word for our friends across the pond. I find it extraordinary that certain of the United States of America still have the death penalty. Many people who claim to support religious and individual freedoms across the world probably get put into greater danger—some of the minorities and some of the Christian groups and the like—and they too face the death penalty. I find the very fact that American states have the death penalty quite extraordinary. The British Government support a global ban on the death penalty, but I find it extraordinary how many states in the US still have it.

More broadly, the story of Christians and Muslims coming together over the Wrexham mosque and similar ones may in the wider world in some small way strengthen the rights of Christians, who, particularly in the middle east and sub-Saharan Africa, face unprecedented hardship. That coming together and those stories from this country are important. If civil society matters at all—most of us believe it is fundamental—it is about bringing people together; freedom of expression; and the right to be different, to exercise freedoms and stand up for people with whose opinions we may disagree. That is a vital right in this country and this place. If we are truly to have a civil society based on community and tolerance, and if we care about civil society space in other parts of the world, what we do, think and say in our country matters.

3 pm

Patrick Grady (Glasgow North) (SNP): It is a pleasure to serve under your chairmanship, Mr Rosindell, as I do in the all-party group on the Chagos islands. If there was ever a community that deserved the support of a strong civil society movement it is the Chagossians, but we shall perhaps not trouble the Minister too much on that issue, as he responded to it in Westminster Hall recently.

I congratulate the hon. Members for Strangford (Jim Shannon) and for Congleton (Fiona Bruce) on securing the debate, and want to clear up a point: I was happy to support their bid for a debate at the Backbench Business

Committee, but because I would be summing up for the Scottish National party on the Front Bench, my name had to come off the motion. We in the SNP exist in a kind of gloaming—a word people can look up if they need to—depending on whether we are speaking from the Front or Back Bench, and on the topic and who is replying. The concept of the debate has my full support, and we have heard some considered speeches and interventions.

I thank, as other hon. Members have, the large number of non-governmental, civil society organisations that provided briefings for today's debate, including Bond, CAFOD, Amnesty International, the Charities Aid Foundation, and ABColombia. The fact that so many briefings were submitted is a cause for both celebration and perhaps a little concern: celebration because this country has a vibrant NGO sector that feels empowered to speak out; but concern at the content of the briefings and the many instances of the closing of civil society space around the world. Indeed, Amnesty's report says that the situation is unprecedented.

I want to reflect on three themes: the intrinsic value of civil society and its contribution; areas of specific concern—countries that we have heard about and specific individual cases; and some domestic considerations and the role of the UK Government. I no longer need to declare a formal interest, but I should say that my professional background was in the NGO sector as a civil society lobbyist and campaigner on international development issues. I sometimes feel a little like poacher turned gamekeeper, but it has been an interesting 18 months or so since the 2015 election.

A strong civil society is a key indicator of healthy, stable democratic societies. As other hon. Members have said, it is such an important indicator that it has been integrated into the sustainable development goals framework—the plan for the planet over the next 30 years. Goal 16 commits countries around the world to promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable and inclusive institutions at all levels. So it is fundamental to the global vision of peaceful and sustainable societies.

Civil society provides a platform for debate, to influence policy process and to mobilise opinion outside party political structures. The hon. Member for Clwyd South (Susan Elan Jones) referred to the Charities Aid Foundation. Its research shows that when asked who is best placed to speak up to Government on behalf of disadvantaged people, and to influence their policies, 84% of respondents in this country said it was charities that specialised in those areas.

The role of the Church and faith-based organisations has also been a strong theme in the debate. Often there is pressure on them from two fronts—from Governments in the countries where they operate, and sometimes from extremists and fundamentalists of other faiths. Yet often those faith-based organisations are among the best placed to speak out on behalf of the poorest and most vulnerable communities. In countries where there is very little infrastructure, such as in the Democratic Republic of the Congo, for example, it is the Church that has a presence in the communities most remote from society and central governmental structures.

Conversely, the absence of a strong civil society is generally a sign of instability. Syria has been mentioned by several Members. The roots of the conflict are incredibly complex, but Syria is an example of how, when people cannot protest peacefully against the Government, or

protests are shut down, people turn to extreme measures. It allows violence to creep in, and Governments respond in kind. We fall into a downward spiral. That point was powerfully made by the hon. Member for Congleton when she reflected on other lessons from history, especially given the fact that we are preparing to mark Holocaust Memorial Day tomorrow; I know that a number of right hon. and hon. Members are attending a service today. The role of faith-based organisations in this country, such as the Jubilee 2000 movement, the trade justice movement and the Make Poverty History campaign, has also been recognised.

Several specific countries of concern have been discussed, and my hon. Friend the Member for Glasgow East (Natalie McGarry) gave a powerful testimony in her speech. It struck me that the countries mentioned are middle-income countries. Colombia, Ethiopia, Malaysia—mentioned by the hon. Member for Congleton—and Turkey are all classified by the World Bank as lower or upper middle-income countries. I said in yesterday's Westminster Hall debate on West Africa that middle-income country status is perhaps the most precarious, because those countries are in transition from having had little in the way of infrastructure or the kind of development that we enjoy. Hopefully, they are on a journey to the kind of stable democracies that by and large we experience in the west. However, there is a huge risk of regression and backsliding, and it is one of the most precarious periods in a country's history. An important point that has been made a couple of times is the statistic from the International Centre for Not-for-Profit Law about the 120 or so legal initiatives that have been introduced, in more than 60 countries, since 2012. Many of those are in transitioning middle-income countries. Amnesty has issued more than 40 reports on repression and fundamental freedoms.

Fiona Bruce: The hon. Gentleman is making a powerful point. Does he agree that we need more lawyers to engage in international development, to help those countries develop strong democracies? That is not something that we have inspired lawyers—particularly the younger generation of lawyers—to think about doing, as we have inspired medics or teachers. If we are really to achieve SDG 16, we need that.

Patrick Grady: That is a fair point. The rule of law—we have heard a lot about it in this part of the world in recent days—obviously requires lawyers. I will perhaps come on to say a little about the appropriate use of the aid budget later.

I want to look at a couple of particular cases. Colombia has been mentioned; it is symptomatic of issues around the country that, despite the progress—the peace agreement signed with FARC, pending agreement with the ELN—civil society organisations report that the situation on the ground continues to worsen progressively. In 2016 85 human rights defenders were killed, and the Inter-American Commission on Human Rights publicly condemned the violence against human rights defenders. What is encouraging, however, is that the UK ambassador to Colombia is one of eight ambassadors who have publicly denounced abuses of human rights and announced their concerns for human rights defenders.

The case of Andy Tsege in Ethiopia, the subject of a debate in its own right here in Westminster Hall, was mentioned again by the hon. Member for Congleton.

His case is a powerful example of how UK citizens can be affected by oppressive Government crackdowns on freedom of speech. The Ethiopian Government, which announced the state of emergency that has seen thousands detained and severely limited due process and access to justice, sentenced Andy under a widely condemned anti-terrorism proclamation. Other concerns have been expressed about aspects of Ethiopia's regulation of civil society. NGOs are not allowed to accept more than a very small percentage of their budget—15% or something like that—from overseas donors. Likewise, only a small percentage may be spent on administration, but the definition of that can be extremely wide. I wanted to flag up those two situations in Ethiopia.

There are some domestic considerations, and it has never been more important for the United Kingdom and its Government to lead by example. The examples given by the hon. Member for Clwyd South were very interesting. Even a local organisation can have a global impact, taking Wales forward to become the first fair trade nation. Scotland was the world's second fair trade nation, which we are very proud of, but it is something we are happy to work with our brethren in Wales to promote. Indeed, the fair trade movement as a whole is another example of successful civil society campaigning, and it is an approach that also leads to positive economic benefits for people.

Even in the lifetime of this Parliament, since those elected in 2015 have been here, there have been some concerns, such as the threat to repeal the Human Rights Act without any clear indication of what was to replace it. Concerns were expressed about surveillance during the passage of the Investigatory Powers Act 2016, and the Government were also pressing the so-called anti-advocacy clause, which would have severely restricted the ability of NGOs in this country to advocate on issues of Government policy. The climbdown on that was welcome. One concern was that scientific researchers in receipt of Government money could not have been called to give evidence to Select Committees in this Parliament, which would have been nonsense. We welcomed the Cabinet Office climbing down to an extent, but we have to keep an eye out for all such things.

I appreciate that a Foreign Office Minister is responding to the debate today, but there is a role for the Department for International Development to play in support of civil society and civil society organisations around the world. The Government should also recognise their importance here at home.

The “Civil Society Partnership Review” was mentioned, but my concern about it was that the concept of partnership was being changed significantly. Partnership was not about working together to achieve shared goals but about a service delivery model through which DFID was almost to commission its desired results from civil society stakeholders, rather than take the collaborative approach that may have been seen in the past.

The hon. Member for Strangford asked about acknowledging the particular role of faith-based organisations. Particular kinds of support and sensitivity are necessary with them.

In recent days the Minister's colleague in the Government has confirmed several times Government support for the 0.7%, which is important, but I ask the Minister present to do the same again. It is important for as many Ministers as possible to make it clear that the UK

[Patrick Grady]

Government are committed to the 0.7% in current and future spending reviews, despite the best efforts of some of their Back Benchers.

In the context of Brexit, it is especially important for the UK Government to continue to be seen as a world leader on the 0.7% and not to roll back from such an important commitment. If they are somehow struggling to meet that commitment and to find things to do with the money, plenty of examples have been given today. Only a moment ago we spoke about support for lawyers and legal practitioners around the world. There is no shortage of imagination on how to spend the budget, not least in civil society. I say that as a former employee of a civil society organisation, but I have made my interest clear.

The Scottish Government have a good partnership approach to civil society. Due to the nature of the devolution settlement, they are not allowed to use their small international development budget to fund organisations directly in different countries, so they have to work through civil society organisations in Scotland. There are some lessons to be learned from that model, although it is not entirely replicable at the scale DFID operates on, obviously.

This has been a very substantial and constructive debate, and I look forward to hearing what the Minister has to say. Governments at home and around the world should have nothing to fear from a strong civil society and, as we have heard from all Members, they have so much to gain.

3.15 pm

Mr Khalid Mahmood (Birmingham, Perry Barr) (Lab): It is always a pleasure to serve under your stewardship, Mr Rosindell. I thank the hon. Member for Strangford (Jim Shannon) for securing this important debate.

A well-placed civil society has always been a hallmark of a successful, stable democracy. A Government alone, no matter how efficient, cannot run a country effectively and harness all its potential unless they use the will and involvement of all the people in it. We want to ensure that people power, in tandem with government, starts to work effectively to provide proper and clear democratic structures for societies.

Unfortunately, part of the problem is that, when elections are held, we call the institutions and countries democratic. Democracy entails a structure—a structure of accountability, transparency and rule of law. Unless those things are taken into account by a nation or country, we should question whether they have democratic institutions or whether they are a democratic country. We get too easily waylaid by the perception of democracy as people having elections. First, we need to account for whether those participating in an election are properly selected to their posts. Is a democratic selection taking place? Do they have limits on their spending power and, I would go so far as to say, limits on their buying power in those countries? How are they elected? Is the value of that vote independent and transparent, or is it purely down to whom they can intimidate, what they can buy and what they can pressurise people to vote for?

Fiona Bruce: Does the hon. Gentleman recognise, as I do, an increasing trend of elected representatives and premiers staying on beyond the agreed maximum period

that their nation's constitution permits, causing huge amounts of distress and unrest in their countries? I am thinking, for example, of Burundi.

Mr Mahmood: I concur with the hon. Lady. There is a real problem that, when some people get into elected office, they assume it is their right to continue to rule. That is a real problem for us to address. It becomes not only a position for life for themselves, but a hereditary position for their kin. That is a real problem we have to look at when we talk about democracy.

Those three things I spoke about—transparency, the rule of law and accountability—come from civil society structures. If we have the right civil society structures, if the structures and the systems are accountable to people who work in communities, and if those people understand how Governments need to be accountable to them, accountability happens when an election comes. However, if people do not have access to those institutions, the rule of democracy and people's presumption that it is working becomes dubious. The rule of law also has a huge part to play. When people are kept away or held in prison for a long time before their cases are even heard, that is a huge problem. Civil society needs to play a role there. When people are discriminated against on the basis of their ethnicity, religion or caste, or on the basis of where they come from, there are real issues for us to look at. We need to look seriously at those things in terms of civil society.

The Minister with responsibility for the Commonwealth is here, but unfortunately, his colleague the DFID Minister did not stay. Perhaps he was unable to participate in the debate. There are several important aspects of DFID funding that we must look at. It is crucial that DFID looks at the democratic structures that I pointed out and how we can best support them. We work in different parts of countries where such things are seen differently, and we need to start to address some of those issues.

We all cherish the fact that we have protected our fantastic aid budget in difficult circumstances here at home. We want to keep protecting that budget, but if we are to do that, it must be implemented properly in countries of operation, and DFID must understand that when it allocates money in those countries, it should keep the use of external contractors to a minimum. If they are used, such contractors must be able to leave a legacy by building capacity in those countries. Unfortunately, in certain cases where projects are taken on board and contracts are issued, the people who deliver those contracts remove themselves at the end and leave a huge vacuum; the budget goes, but there is no legacy. If we build capacity in a country, it can generate further capacity in those areas and move forward.

Several Members have made huge contributions. The hon. Member for Strangford, who is passionate about this subject, quite rightly raised the issues that he strongly believes should be looked at in Pakistan, Bangladesh and India. Where people go missing without any trace or are just moved out of place, and where people are detained for long periods without trial or justice, discriminated against because of their religion or victimised for who they are, that needs to be addressed. Those are important issues against which we need to assess countries and where we need to build capacity.

I was actually in Lahore in Pakistan over Christmas. I understand a lot of the issues that the hon. Gentleman raises, but I did see one bit of progress. In the majority

of places, there was a huge celebration of Christmas. I saw a huge amount of decoration and many Christmas trees, which was very heartening. In the lobby of the hotel that I stayed in, carols were sung in the evening, and people came out. That is a good sign. If the mainstream of the community starts to accept things like that, where there are issues at a local level, people can be stopped from using the legislation that is available to them to persecute the Christian community in Pakistan, India, Bangladesh or anywhere else. That is a positive start, as far as I saw, but there are certainly issues that need to be looked at. Certainly issues have been raised in relation to the Ahmadiyya community. I understand that. All the people living in that country should be treated the same. Equally, I would say that to India.

We had a debate last week in Parliament about Kashmir and the issue of civil society being allowed into Kashmir, where mass graves have been discovered. There has been huge abuse, including the use of pellet guns. Those sorts of issues have been raised, and it is important for us to recognise that.

Extreme action has also been taken in Bangladesh. People there might say that that is because of terrorist activity and that that gives them carte blanche in most instances now to do whatever they want. A huge amount of legislation has come in that clamps down on civil society, justified by the use of the word “terrorism”.

It is right to say that a huge number of countries are now using different legislation to make it difficult for civil society organisations to register and start to get funding. There are significant issues that we need to address. The hon. Member for Strangford made that point very clear. The hon. Member for Congleton (Fiona Bruce) also made those issues very apparent and was very positive in the way she came across and the way she wanted to deal with them. In particular, she spoke about the conditions that are imposed on non-governmental organisations in order to frustrate the process; they are not able to do the things that she mentioned.

The hon. Member for Glasgow East (Natalie McGarry) spoke passionately about her own experience and the current situation in Turkey. All of us need to be mindful of what is going on in Turkey and how we should deal with that. Certainly the Minister should seriously look at how we can address some of those issues. I know that the Secretary of State has refused to address any of those issues, but I think it is important that we look at that. This is a close neighbour of ours and it has a huge impact in terms of access from Syria, Kurdistan, Iraq and all those areas into Europe. If the country itself is not stable in the first instance, that makes it very difficult to provide all the necessary services.

My hon. Friend the Member for Clwyd South (Susan Elan Jones) made a very passionate case on behalf of the Welsh contingent about the inter-faith practices and civil society activities that they are carrying out to a great extent. That is really powerful if we are to be a role model—to move forward and say how it is best to deliver those.

I do not want to take up too much time, because I think that the Minister wants to wrap up as well, and will be very pleased to do that. There are some serious issues to address. I had hoped that his DFID colleague would respond to the debate, because many of the issues relate to DFID, but I am thankful that this Minister is here to do so. He has himself played a very

active role on most of these issues over the years, but did so particularly in his former role as a Minister of State in DFID, and he understands the issues.

I will bring to the Minister’s attention again—he should perhaps pass this on to his successor—the way in which major contractors deal with DFID contracts, the capacity-building issue and the capability that should be left after they have finished doing that. That is a key issue. There are also trade issues. Obviously, post Brexit, we will be dealing with a lot of these nations, which want to trade with us. We now have another window to be able to deal with them. We should start to insist that they treat their NGOs correctly and improve civil society in order to be able to work with us. There are a number of important issues, but certainly those two issues I ask the Minister to look at.

3.29 pm

The Minister for Europe and the Americas (Sir Alan Duncan): I thank the hon. Members for Strangford (Jim Shannon) and for Glasgow North (Patrick Grady), and my hon. Friend the Member for Congleton (Fiona Bruce), for securing this important debate.

Poverty, violence, extremism and large-scale migration are some of the most important challenges of our times. Evidence shows that those problems are most acute in countries where civil society is not allowed to function. Democracies do not start wars with each other—*[Interruption.]* I challenge my hon. Friend to name two democracies that have ever gone to war. By and large, democracies do not suffer famine, nor do they trigger the uncontrolled exodus of their people in a way that leaves them vulnerable to all manner of abuses, such as modern slavery. Democracies are countries in which civil society is allowed the space to thrive, to challenge authority without fear and to work for the good of society as a whole.

The space in which civil society operates is under ever-increasing pressure throughout the world. Her Majesty’s Government are fully aware of this disturbing trend, and we are working hard to counter it. The Government believe that a free and vibrant civil society not only helps safeguard individual human rights but contributes to a country’s security and prosperity. I should like to highlight some of the ways in which this Government work for the promotion and protection of civil society space overseas.

The Foreign and Commonwealth Office’s annual human rights report shows that the issue of civil society space has been increasingly prominent in our human rights work in recent years. Last December, we placed civil society organisations at the centre of our activities to mark UN human rights day in London and across the entire FCO network. In her speech on that occasion, my noble Friend the right hon. Baroness Anelay stressed how she sought to champion civil society organisations on her official overseas visits. The message was echoed by our diplomatic missions around the world, which celebrated human rights day by reflecting back to their host Governments our admiration for the dynamism of local civil society, or our disapproval, and frankly our bafflement, when they tried to clip its wings.

We also support civil society around the world through our human rights programme work, funded by our Magna Carta fund. In 2016-17, we invested £1.6 million to support 14 projects designed to protect civil society

[*Sir Alan Duncan*]

space by promoting freedom of expression, including online, which is important in the modern age. The projects took place in countries as diverse as Bangladesh, Burma, Syria, Pakistan, Rwanda, and Uganda.

The Government are equally proud of the effective work of the Department for International Development in this field, which I recall from when, as has been said, I was Minister there for four years from 2010. Since 2014, DFID has been an active supporter of the Open Government Partnership, which drives up global transparency standards and promotes civic space in developing countries. Recently, Pakistan, Afghanistan and Nigeria have joined the partnership, bringing membership to 75 countries.

In November last year, DFID published its civil society partnership review, which assessed the results and effectiveness of DFID's work with civil society. In that document, the Secretary of State for International Development stated:

"A healthy, vibrant and effective civil society sector is a crucial part of Britain's soft power and leadership around the world."

She also pledged to

"robustly defend the rights of civil society in a dangerous and uncertain world."

One could not hope for a clearer statement of the Government's position.

The Treasury has also played its part, working with the Charity Commission to prevent the misuse of Financial Action Task Force standards, which are designed to prevent the financing of terrorism, to restrict civil society. Many hon. Members will be aware that the Government sponsors the Westminster Foundation for Democracy. Through its programmes to support democratic practices and institutions around the world, the foundation shares the experience of our democracy, in which the relationship between civil society, Parliaments and political parties is of fundamental importance. We welcome that approach and want WFD to continue to promote that healthy respect for civil society that we enjoy, and that we know is critical for the quality of democracy everywhere.

Another vehicle for our support for civil society space is the Community of Democracies, a democracy-building alliance of Governments and civil society, the governing council of which we joined in December last year. Its working group on the protection of civil society space issues a call to action whenever it sees a threat to civil society space emerging through new legislation or regulation, or whatever it might be, anywhere in the world. Last year, for instance, it successfully helped to influence decisions in Kyrgyzstan, deterring the adoption of an anti-civil society law along the lines of Russia's deeply cynical and very damaging foreign agents law. I reassure hon. Members that the UK's diplomatic service works tirelessly to support civil society and to defend its right to function freely.

Fiona Bruce: Would the Minister be good enough to comment on the concerns I expressed regarding the apparent reduction of space for civil society to operate in Hong Kong? What can be done to address that?

Sir Alan Duncan: I do not cover Hong Kong—I cover the other half of the world, which keeps me quite busy—but I note what my hon. Friend said. I will ask the

relevant Minister to write to her with a specific reference to Hong Kong. Our ambassadors and high commissioners frequently stand shoulder to shoulder with those who seek to defend the values in which we believe, including the rights to freedom of expression and freedom of assembly, and the right to live without discrimination of any kind.

At the multilateral level we play a leading role in defending the rights of civil society. We support the accreditation of legitimate and serious NGOs to take part in the workings of the United Nations, including the Economic and Social Council. Knowing the keen interest of the hon. Member for Strangford in the freedom of religion and belief, I am sure that he will appreciate our continued strong support for the efforts of Christian Solidarity Worldwide to be so accredited. The UK plays a leading role at the Organisation for Security and Co-operation in Europe in the struggle to keep open civil society space. This year, we are proud to chair the Human Dimension Committee of the OSCE and are developing a work plan that reflects the importance of civil society to human rights, security and prosperity.

Let me turn to some of the very important points that have been made in the debate, in order to give a proper and thorough answer. The hon. Member for Strangford emphasised the importance of freedom of religion and belief, as I mentioned. Freedom of religion promotes prosperity and security and is also an important part of countering violent extremism, so we always urge our international partners to allow freedom of religion and belief, and to end all forms of discrimination on religious grounds.

The hon. Gentleman raised the question of freedom of religion in Pakistan. The Government have urged Pakistan to uphold religious freedom and the rule of law. During the Foreign Secretary's visit to Pakistan in November last year, he raised the issue of religious tolerance and the importance of safeguarding the rights of all Pakistan's citizens. The hon. Gentleman also raised the case of Shahidul Alam in Bangladesh. We are aware of the apparent detention of Shahidul Alam in Dhaka this morning. The British high commission is monitoring the situation very closely and will diligently follow that up.

Although the right hon. Member for Carshalton and Wallington (Tom Brake) has left the Chamber, he raised some specific points, so it is only fair that I should answer them—my hon. Friend the Member for Congleton also raised the question of Egypt. It is no secret that we want to see more political freedoms and space for civil society in Egypt. The Prime Minister raised the ongoing foreign funding NGO case with President Sisi when they met in New York in September at the United Nations General Assembly. Restrictions on civil society take Egypt further away from implementing the freedoms that are in the 2014 constitution. I can also confirm to the right hon. Member for Carshalton and Wallington that we have raised the issue of discrimination against the Baha'i with the Government of Iran, and the arrest of Nabeel Rajab with the Government of Bahrain.

I join the hon. Member for Glasgow North in praising the excellent work of our ambassador to Colombia. I have seen at first hand the work of our diplomats overseas who work with human rights defenders, often in very difficult environments. I am sure everyone here joins me in recognising their work.

Jim Shannon: It has to be recognised, and stated for *Hansard*, that the Government have worked very hard to get a peace agreement in Colombia. However, as the Minister knows, right hon. and hon. Members of this House have made significant contributions—some of my colleagues from Northern Ireland are perhaps an example—on all sides of that political divide. They have also helped to encourage the Colombian Government to move forward. Their contribution is sometimes overlooked, so it is good to have it recorded.

Sir Alan Duncan: From my DFID days and now from my desk in the Foreign Office, the path to peace in Northern Ireland is a fantastic example of how something can be achieved in this field. By taking other countries' politicians to Northern Ireland to show how it was done, we have made progress in countries such as Nepal, Colombia and potentially Burma, in a slightly different field. Therefore, one cannot exaggerate or over-praise the example of Northern Ireland in having a beneficial effect on other parts of the world that are trying to find a path to peace and security.

I will, however, raise one issue in response to the hon. Member for Glasgow East. I fully understand everything she said, and fully recognise her personal interest and the experience she underwent when she was in Turkey. May I just say to her that she did not say anything about the other side of the picture? I am very familiar with Turkey—I have been there three times since I became a Foreign Office Minister, including a visit of three days after the attempted coup. It is important to experience how traumatic that attempted coup has been to the entire population of Turkey. One has to understand that they went through—they have, through their history, lived through this risk—a day, the equivalent of which in the UK would be like a regiment of the Army driving tanks up Whitehall, shooting people on Westminster bridge, trying to kill the Queen and the Prime Minister, bombing Parliament while it was sitting and taking over the BBC. That is what they went through. One has to understand the trauma and the existential threat of that experience to understand Turkey, and indeed to understand everything that followed, which she described.

Natalie McGarry *rose*—

Sir Alan Duncan: I have not finished. The other point to make about that side of the equation is this: it was not just the one day or one night event on 15 July last year. In the past year, 500 people have been killed in Turkey as a result of terrorist attacks. I find it astonishing that the hon. Lady did not mention the shooting at the nightclub in Istanbul on new year's eve. I can also tell her from my experience that, as I was walking up to the Ataturk memorial, a suicide bomber had been arrested half an hour before whose target, by his own later admission, happened to be the Ataturk memorial. Those are the threats that that country has to live through every single day.

Natalie McGarry: The Minister makes an important point about the other side, but I was merely raising the issue of the Government. I take him to task, however. We are talking not only about what happened subsequent to the coup or the actions of terrorism and the closing down of space, but about the actions of the Government, with the transformation into a presidency and the removal

of the hugely important rights of MPs. Post-coup—the very next day—there was a prepared list of people who were removed from their positions. That looks like a predetermined eradication of opposition voices.

Sir Alan Duncan: The threat the hon. Lady describes did not start on the day of the attempted coup. This is a country that has to live every day with threats from the PKK, ISIS and the state within a state. I find it unfortunate that she did not choose to mention any of that. None the less I sympathise with her experience of arrest, and I consider it fortunate that she was so ably assisted by Her Britannic Majesty's Government and the competence and capability of officials in the Foreign and Commonwealth Office.

Any Government confident of their own legitimacy and their commitment to democracy should allow civil society to operate freely. We will continue to state that position, often privately but often very loudly in public too. We will continue to make the case for civil society to flourish everywhere and to defend it wherever and whenever it is under attack.

3.45 pm

Jim Shannon: I thank all right hon. and hon. Members who have made contributions directly or in interventions. Those contributions and expressions of support were very valuable. The issue of shrinking civil society throughout the world is obviously one that Members are greatly moved by and interested in, and we have had the opportunity to highlight all those places in the world where there are problems.

It was nice to hear the shadow Minister, the hon. Member for Birmingham, Perry Barr (Mr Mahmood), make a very personal contribution. Indeed, some really good personal stories have been told about individuals today, and I thank all Members for that.

I thank the Minister for his two direct responses, on Pakistan and Bangladesh, especially the pertinence of Bangladesh because of what happened only one day ago. I thank him and the diplomatic service for their clear work to address those issues.

I welcome the fact that some 75 countries are signed up to freedom of expression. I urge those countries to make that commitment not only in words, but in action. If we have action in such countries, civil society can be maintained and people can live together peacefully into the future.

I thank the Minister for the work of the Westminster Foundation for Democracy. Sometimes we do not say this, but let us thank all our diplomatic staff across the world for what they do. [HON. MEMBERS: "Hear, hear!"] I say this with respect: how fortunate we are to be subjects of the British Government, to have a British passport and to be able to call on our diplomats and embassies throughout the world to help us. The Minister is part of that, and I thank him. I thank everyone for taking part in the debate.

Question put and agreed to.

Resolved,

That this House has considered protecting civil society space across the world.

3.47 pm

Sitting adjourned.

Written Statements

Thursday 26 January 2017

DEFENCE

Armed Forces' Pay Review Body Appointment

The Parliamentary Under-Secretary of State for Defence (Mark Lancaster): I am pleased to announce that I have appointed Janet Whitworth as a member of the Armed Forces' Pay Review Body. Mrs Whitworth will begin her three-year appointment on 1 March 2017. This appointment has been conducted in accordance with the guidance of the Office of the Commissioner for Public Appointments.

[HCWS438]

Her Majesty's Inspectorate of Constabulary: RAF Police

The Parliamentary Under-Secretary of State for Defence (Mark Lancaster): I wish to inform the House that I am laying today the first report from Her Majesty's Inspectorate of Constabulary (HMIC) inspection of the Royal Air Force police (RAFP).

The Armed Forces Act 2011 places a duty on HMIC to inspect and report to the Ministry of Defence on the independence and effectiveness of investigations carried out by each service police force, and this is HMIC's first statutory inspection report on the RAF police.

I consider this report to be a positive endorsement of the RAFP providing assurance from an independent civilian authority that the RAFP is well led overall. Six recommendations have been made and five areas for improvement have been identified. The Royal Air Force accepts the report's findings and work is already under way to address the recommendations and areas for improvement.

[HCWS440]

FOREIGN AND COMMONWEALTH OFFICE

Foreign Affairs Council—16 January 2017

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 Foreign Affairs Council on 16 January. The Foreign Affairs Council was chaired by the High Representative of the European Union for Foreign Affairs and Security Policy, Federica Mogherini. The meeting was held in Brussels.

FOREIGN AFFAIRS COUNCIL

A provisional report of the meeting and conclusions adopted can be found at: <http://www.consilium.europa.eu/en/meetings/fac/2017/01/16/>.

Agenda items included the middle east peace process, Syria and a forward look for 2017. Ms Mogherini briefed Foreign Ministers on the recent European Court of Justice ruling on Morocco. Ms Mogherini also informed Foreign Ministers of the outcome of the previous week's talks in Geneva on the Cyprus settlement.

Syria

Foreign Ministers discussed developments in Syria including the ceasefire agreement announced by Russia on 29 December; and the talks convened by Russia and Turkey to be held in Astana. Ms Mogherini updated Foreign Ministers on: the EU's regional outreach initiative; the EU's Syria strategy; and a road map for EU policy on Syria. Ms Mogherini also informed Ministers that the EU would co-host a conference on Syria to follow up the London conference of February 2015. The Foreign Secretary welcomed this and, together with other Ministers, reconfirmed support for post-conflict reconstruction in Syria once a credible political transition was firmly under way.

MEPP

Foreign Ministers had an informal discussion about issues relating to the middle east peace process. The Foreign Secretary reiterated the UK's commitment to a two-state solution.

Ministers agreed without discussion a number of measures:

The Council adopted conclusions on Lebanon.

The Council delisted four entities from the list of persons and entities subject to restrictive measures against Iran.

The Council approved the delisting of five vessels from the list of persons and entities subject to restrictive measures against the Democratic People's Republic of Korea, following the respective delisting by the United Nations Security Council.

The Council decided on the withdrawal of the European Commission from the EU-level framework in accordance with the recommendation of the UN Committee for the convention on the rights of persons with disabilities so as to ensure the independence of the monitoring framework.

The Council approved the conclusion of the protocol to the Euro-Mediterranean agreement establishing an association between the EU and Algeria. The protocol contains a framework agreement on the general principles for the participation of Algeria in EU programmes and agencies such as Europe's programme for small and medium-sized enterprises COSME, Europe Creative or Horizon 2020.

The Council approved rules of procedure to be adopted by various trade sub-committees established under the EU-Ukraine association agreement.

[HCWS436]

Overseas Security and Justice Assistance Guidance

The Secretary of State for Foreign and Commonwealth Affairs (Boris Johnson): I would like to inform the House that I have today published revised guidance concerning overseas security and justice assistance (OSJA).

The need for UK security and justice assistance overseas is growing. Our expertise is highly valued across the world and improves the standards and capabilities of law enforcement and security agencies operating in the most challenging environments. Through this work we aim to improve the lives of people in the world's most insecure regions, by enhancing the abilities of states to uphold the rule of law. However, it is important that we ensure that the skills and expertise we impart are not used to cause harm. The OSJA guidance is HMG's tool for assessing the human rights risks of our overseas security and justice assistance work and identifying measures to mitigate those risks.

The OSJA guidance was first published in December 2011 by my predecessor, the then Foreign Secretary, Lord Hague of Richmond, and revised in 2014. I am proud that the new OSJA process will remain the most comprehensive and demanding tool of its type anywhere in the world. The document I am publishing today renews our commitment to take every reasonable step to identify and reduce the risk that we will inadvertently do harm when assisting overseas. It restates our commitment to proper oversight by Ministers of all assistance projects which carry serious risk.

The revised procedure today draws on five years of experience in applying the guidance. The changes in this version include a more rigorous risk assessment; clearer guidance on the role of the UK's overseas network and of HMG Departments and agencies outside the FCO; and more detail on how to conduct the process in complex situations, for instance when several Departments are working together on the same project. It also provides for officials already deployed overseas who are caught in exceptional circumstances (such as an unfolding terrorist attack) to act immediately within the spirit of the guidance to protect the public or safeguard the integrity of evidence provided that the full documentation follows within 24 hours. Finally the new procedure includes measures which will allow more public scrutiny of the OSJA process within this Department's annual human rights report.

The update will be available on gov.uk. My officials will continue to monitor the implementation of the guidance and propose revisions from time to time.

Attachments can be viewed online at:

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-01-26/HCWS441/>

[HCWS441]

HOME DEPARTMENT

Migration Advisory Committee: Shortage Occupation List

The Minister for Immigration (Mr Robert Goodwill): The independent Migration Advisory Committee has today published its partial review of the shortage occupation list relating to teachers. A copy can be found at:

<https://www.gov.uk/government/organisations/migration-advisory-committee>. I am grateful to the Committee for its thorough and detailed study.

The Committee has recommended that maths and physics teachers remain on the shortage occupation list; that computer science, Mandarin and science teachers should be added to the list; and that chemistry teachers should be removed from it.

The Government have accepted the Committee's recommendations in full and the necessary changes will be made to the immigration rules to reflect this.

The Government are committed to reducing net migration to sustainable levels, which means the tens of thousands. That means we need to look first to the resident labour market to fill vacancies. The Department for Education is spending over £1.3 billion up to 2020

to attract new teachers into the profession. This includes continuing to offer generous bursaries of up to £30,000 tax free in priority subjects and a £67 million investment in STEM teaching in England to recruit up to 2,500 additional maths and physics teachers, and increase the skills of up to 15,000 existing teachers over the course of this Parliament.

However, we recognise there may be a need to recruit overseas where we continue to have genuine skill shortages or require highly specialist experts. We adjust the shortage occupation list from time to time and in line with the Migration Advisory Committee's recommendations to ensure that, where necessary, labour can be sourced from outside the European economic area.

[HCWS437]

WORK AND PENSIONS

Welfare Delivery

The Minister for Employment (Damian Hinds): The Department for Work and Pensions (DWP) is today publishing its proposals for the future of its estate, including Jobcentres and back-office sites.

On 31 March 2018 DWP's PFI PRIME (private resource initiative for the management of the estate) contract with Telereal Trillium expires. This 20-year contract covers the majority of DWP's current property portfolio of over 900 sites. This gives us an opportunity to review which offices we will need in the future, taking account of the increased use of our online services, the impact of universal credit and the anticipated demand on our services.

The roll out of universal credit and our reforms of Jobcentre Plus have increased the number of interactions claimants now have with us online. For example, eight out of 10 claims for jobseeker's allowance are now made online and 99.6% of applicants for universal credit full service submitted their claim online.

As a result we only need 80% of the space we currently occupy to continue to deliver our services and make sure that people will always be able to access the support they need to get back to work. Moreover, we are recruiting and expect to have 2,500 more work coaches in post by March 2018 compared to today.

For the vast majority of offices there will be no change in location, although the purpose of the building may change. Where we are proposing closing a site we will take all possible precautions to minimise disruption for claimants, and vulnerable people will receive home visits and postal claims.

All of the planned changes will be made in consultation with staff, taking into account the impact on benefit claimants and DWP staff. We will do everything we can to offer staff affected alternative roles and want to avoid any redundancies wherever possible. However we do recognise that in a small number of cases relocation will not be reasonable or achievable for individuals working in our back-office functions and exits may be required.

We have already announced proposals for around 93 sites. A full list of our proposals for all of our remaining Jobcentre and back-of-house sites is available as an attachment online. There are a small number of sites which we are still negotiating with landlords. I have

indicated these on the list and will update the House when I am able to. I will be writing directly to those hon. Members whose constituencies will be affected by the proposed closures or moves of DWP services announced today. I will also be writing to my counterparts in the Scottish and Welsh Governments.

Attachments can be viewed online at: <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-01-26/HCWS439/>.

[HCWS439]

Petition

Thursday 26 January 2017

OBSERVATIONS

FOREIGN AND COMMONWEALTH OFFICE

People of Syria

The petition of residents of Newcastle, County Down,

Declares that the humanitarian crisis in Syria has already resulted in thousands of deaths and shows no sign of a resolution; further that men, women and children are targeted by air strikes and, if lucky to survive, are being forced to leave their homes, tearing families apart and often resulting in further deaths; further that these people do not ask and do not deserve to be in this situation; and further that a peaceful means to end the war should be sought, rather than the continuation of air strikes.

The petitioners therefore request that the House of Commons urges the Government to help protect the rights and lives of those affected by the war in Syria through the administration of aid, food and medical care to those who remain in the country as well as those who have been displaced; and further that the Government is encouraged to find a peaceful means to end the war rather than the continuation of air strikes.

And the petitioners remain, etc.—[Presented by Ms Margaret Ritchie, *Official Report*, 29 November 2016; Vol. 617, c. 1490.]

[P001985]

Observations from the Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Mr Tobias Ellwood):

The UK Government are deeply concerned about the appalling humanitarian situation in Syria. That is why the Government are committed to doing all they can to bring an end to this conflict and the suffering it is causing to millions of Syrians.

The Syrian regime's prosecution of a military campaign against political opposition has brought suffering to millions and killed hundreds of thousands. The regime, with Russia and Iran's support, has repeatedly carried out airstrikes which hit civilians and civilian infrastructure, including hospitals and schools. They have used indiscriminate weapons including barrel bombs, incendiary bombs and cluster munitions which may amount to violations of International Humanitarian Law. We are clear that, where there are allegations of war crimes, these should be investigated and those responsible held to account. We support the independent UN Commission of Inquiry's investigations into human rights violations and abuses in Syria. We continue to call for all parties to comply fully with International Humanitarian Law and to ensure the protection of civilians.

The UK has undertaken airstrikes in Syria as part of Global Coalition action against Daesh. All missions are meticulously planned and every care is taken to ensure we minimise civilian casualties. The evidence from detailed assessments of each strike is that the UK has avoided any civilian casualties so far in this conflict.

The UK is at the forefront of the humanitarian response to this crisis, providing life-saving support to millions of people inside Syria and in neighbouring countries. We have allocated over £1.8 billion of our £2.3 billion pledge, and are working with our aid delivery partners to ensure we continue to respond as quickly and effectively as possible to needs as they evolve. Despite the denial of humanitarian access to many areas in Syria, UK aid is making a real difference. Since the beginning of 2012, we have provided across Syria over 16.4 million food rations and medical support to over 3.7 million people. In 2015-2016, UK aid helped almost 3 million people gain access to clean water.

Securing unfettered humanitarian access across Syria is paramount. The best way of delivering the large amount of humanitarian assistance that is required is by road, by trusted and neutral humanitarian partners who can ensure it gets to those who need it most. We continue doing all we can, through diplomatic means, to exert pressure on the regime, Russia and Iran to secure proper access and bring an end to their deliberate obstruction of humanitarian aid.

We also continue to use all diplomatic tools at our disposal, working alongside our partners, to achieve a peaceful and negotiated solution to the crisis. As members of the International Syria Support Group and the UN Security Council, we have repeatedly called for a ceasefire in the hostilities between the Assad regime and the Syrian opposition to create the necessary conditions for political negotiations.

On 30 November and 13 December, emergency sessions of the Security Council were held at the UK and France's request to discuss the situation in Aleppo. In those we called for the regime's pitiless assault to stop and for the UN to be allowed access to help civilians on the ground. Russia has repeatedly blocked meaningful action in the UN Security Council, vetoing six UN Security Council Resolutions, including one on 6 December calling for a seven day ceasefire to allow the UN to get desperately needed aid to the civilians of besieged eastern Aleppo.

On 19 December, the UN Security Council adopted a Resolution which demanded full access for the UN across Syria and in particular requested the UN to monitor evacuations from eastern Aleppo. The UK strongly supported this action in view of our profound concerns at reports of atrocities by pro-regime forces as eastern Aleppo was being evacuated.

The UN Security Council welcomed Russian-Turkish-Iranian efforts to secure a reduction in violence through the ceasefire they announced on 29 December. We are concerned, however, about ongoing military action by the Syrian regime and Shia militia. It is vital that Russia, Turkey and Iran use their influence to ensure that the ceasefire is implemented fully to help end the suffering of the Syrian people.

Ultimately, the only real solution for peace and stability in Syria is an enduring political solution based on transition away from the Assad regime to a Government representative of all Syrians. We support fully the efforts of the UN Special Envoy, Staffan de Mistura, to resume the political process through negotiations. Russia and Iran must use their influence and bring pressure to bear on the regime to return to the negotiating table and engage seriously.

Ministerial Correction

Thursday 26 January 2017

JUSTICE

Prison Staff

The following is an extract from Questions to the Secretary of State for Justice on 24 January 2017.

Mr David Hanson (Delyn) (Lab): Six major incidents in eight weeks is unprecedented in the 25 years I have been in this House. Following on from her reply to the hon. Member for Gainsborough (Sir Edward Leigh), will the Secretary of State confirm that the figures to September meant a loss in that last year of 417 prison officers? When she says that she has to recruit 2,500 officers, does she not mean that in the next 12 months she will have to recruit 4,000 to make up those 2,500, and does she intend to do that?

Elizabeth Truss: The right hon. Gentleman is absolutely right. We need to recruit 4,000 officers over the next year. I announced initially that we were recruiting officers for 10 of the most challenging prisons. We have already made job offers to almost all those 400 people, so we are

making good progress. We have recently launched a graduate scheme, Unlocked. Within 24 hours of announcing that scheme, we had expressions of interest from more than 1,000 candidates, so there are people interested in joining the Prison Service. It is challenging to recruit that number of officers, but we are absolutely determined to do so. It is what we need to do to turn our prisons around and make them places of safety and reform.

[Official Report, 24 January 2017, Vol. 620, c. 143.]

Letter of correction from Elizabeth Truss:

An error has been identified in the response I gave to the right hon. Member for Delyn (Mr Hanson) during Questions to the Secretary of State for Justice.

The correct response should have been:

Elizabeth Truss: The right hon. Gentleman is absolutely right. We need to recruit 4,000 officers over the next year. I announced initially that we were recruiting officers for 10 of the most challenging prisons. We have already made job offers to almost all those 400 people, so we are making good progress. We have recently launched a graduate scheme, Unlocked. Within 24 hours of announcing that scheme, we had expressions of interest from more than **350** candidates, so there are people interested in joining the Prison Service. It is challenging to recruit that number of officers, but we are absolutely determined to do so. It is what we need to do to turn our prisons around and make them places of safety and reform.

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