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HOUSE OF COMMONS
OFFICIAL REPORT

PARLIAMENTARY
DEBATES

(HANSARD)

Monday 6 February 2017

HER MAJESTY'S GOVERNMENT

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OFFICIAL REPORT

IN THE SECOND SESSION OF THE FIFTY-SIXTH PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 18 MAY 2015]

SIXTY-SIXTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

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ELEVENTH VOLUME OF SESSION 2016-2017

House of Commons

Oral Answers to Questions

Monday 6 February 2017

EDUCATION

The House met at half-past Two o'clock

Mr Speaker: I call Karen Buck. Not here. Well, one person who is here—I can see that very clearly, to my great satisfaction—is the right hon. Member for Mid Sussex (Sir Nicholas Soames).

PRAYERS

[MR SPEAKER *in the Chair*]

The Secretary of State was asked—

Education Funding: West Sussex

Speaker's Statement

Mr Speaker: I wish to make a short statement to the House.

A fortnight ago, the House of Commons Commission endorsed a proposition upon which I confess that I am myself very keen—having, indeed, originally suggested it myself—that a wider range of less senior procedural Clerks should have an opportunity to sit at the Table alongside more experienced colleagues to familiarise themselves with Chamber practice and procedure. At the same time, the Commission endorsed a proposition from the Clerk of the House, reflecting the overwhelming view of his colleagues, that Clerks should no longer wear wigs at the Table in the Chamber. They will also cease to wear court dress, but they will continue to wear gowns, so as to be distinguishable as experts in parliamentary procedure—not lawyers, and certainly not Members. Details are in a letter from the Clerk of the House to the Chair of the Procedure Committee, which is available on the Committee's website and in the Vote Office.

Colleagues will be pleased to learn that this change will in the longer term save money. It will, I believe, be welcomed by those Clerks who serve or look forward to serving at the Table, and it will moreover, in my view—which I recognise may not be universally shared—convey to the public a marginally less stuffy and forbidding image of this Chamber at work. The new regime will start soon after we return from the short February recess.

2. **Sir Nicholas Soames** (Mid Sussex) (Con): What her plans are for education funding in West Sussex. [908587]

The Secretary of State for Education (Justine Greening): We are replacing the historical postcode lottery in school funding with a proper, transparent national funding formula that is fair whereby funding will be allocated to schools based on the needs of pupils. Compared with the alternative of the current postcode-lottery approach, the fairer funding proposals on which we are consulting would mean a £14.6 million annual increase in funding to local West Sussex schools.

Sir Nicholas Soames: I am sorry, Mr Speaker; you caught me without my wig.

Almost all the 286 schools in West Sussex find their budgets under extreme strain, so they welcome these new developments, but as West Sussex is already one of the lowest funded of all the shire counties, will my right hon. Friend look very carefully in particular at the budgets of small rural schools, which find themselves unfortunately and unfavourably treated?

Justine Greening: Of course, my right hon. Friend will be aware that we are in the second phase of the consultation on the introduction of the national funding formula. This is a once-in-a-generation opportunity to finally reach a settlement on fair funding that really works. I know that he and many other colleagues will have their views about how they want the formula to work, and he is right to raise them.

Several hon. Members *rose*—

Mr Speaker: Order. I listened carefully to the response from the Secretary of State, who has not broadened the matter, and therefore the question appertains exclusively to West Sussex.

Christian Matheson (City of Chester) (Lab) *rose*—

Mr Speaker: Order. The hon. Gentleman's Chester constituency is a considerable distance from West Sussex, but if, and only if, his question focuses exclusively upon West Sussex—

Christian Matheson: Almost exclusively, Mr Speaker?

Mr Speaker: No, exclusively. Get in there, man.

Christian Matheson: West Sussex's education funding has increased by 1.9%—I am very pleased to hear that—but other areas close to West Sussex will have received cuts of up to 1.3%, so why is West Sussex being treated so much more generously?

Mr Speaker: The hon. Gentleman is a very fine man, but I am not sure that he would triumph if he appeared on "Just a Minute".

Justine Greening: I recognise that the funding formula means that schools will receive different settlements from the ones that they have had in the past. We are trying to ensure that every single child, wherever they are growing up in England, gets the same amount of funding, but that there is then a top-up in relation to additional needs, such as in respect of deprivation, which has been based on out-of-date data up until now, or indeed additional funding for low prior attainment.

Sir Desmond Swayne (New Forest West) (Con): Will the impact of the new formula in West Sussex disproportionately disadvantage rural primary schools in the way that it will elsewhere?

Justine Greening: The introduction of the formula leads to different effects in different parts of the country. Obviously, we are putting in place a fair funding formula, but it has to work for all schools. We are having the second phase of the consultation to try to ensure that we get this right. We have particularly focused on helping small rural schools by relating an element of the formula to sparsity. There is also a lump-sum element. I am interested to hear all colleagues' views in the consultation.

Angela Rayner (Ashton-under-Lyne) (Lab): The Secretary of State's answers so far will give no comfort to schools in West Sussex, which will have had an 8% reduction by 2019, or anywhere else that is facing real-terms funding cuts. Does she stand by her party's manifesto pledge that every school in Britain, including every school in West Sussex, will receive a real-terms spending increase per pupil during this Parliament?

Justine Greening: As ever, the hon. Lady is not clear about whether she even supports the concept of fair funding. I would have thought that all MPs would want to see all children getting fair schools funding across

the board. A record amount of money is going into our schools budget and we have protected the core schools budget in real terms. There is record funding, but it is important that we ensure, through the fair funding formula, that it is distributed fairly.

National Funding Formula: Devon

4. **Mr Ben Bradshaw** (Exeter) (Lab): What representations she has received on the effect of the proposed funding formula on schools in Devon; and if she will make a statement. [908589]

The Minister for School Standards (Mr Nick Gibb): We received 6,000 responses to the first stage of the consultation on the national funding formula, which sets out the principles and factors to be used in the formula. We continue to receive representations on the second stage of the consultation, which closes on 22 March. Our proposals for funding reform will mean that schools will, for the first time, receive a consistent and fair share of the schools budget, addressing the anachronistic unfair funding system that has been in place since 2005.

Mr Bradshaw: Exeter schools already suffer a double whammy—they are in one of the lowest funded counties in England, and they have to subsidise the high cost of providing school transport and keeping open small rural schools—yet the new funding formula will actually make them worse off. How will the Minister explain that to my constituents and to the schools themselves?

Mr Gibb: In Devon, as a result of the new funding formula and on the basis of the figures for 2016-17, school funding would rise from £377.2 million to £378.7 million, an increase of 0.4%. In the right hon. Gentleman's Exeter constituency, there will be no overall change in the level of funding, although there will of course be changes between schools. Whenever we introduce a new national formula and illustrate it on the basis of the current year's figures—in this case, 2016-17—some schools will inevitably gain and others will lose. Overall, 54% of schools across the country will gain under the new national funding formula.

Sir Hugo Swire (East Devon) (Con): If these proposals are adopted, the historically underfunded constituency of East Devon will have 15 primary schools that gain while 20 lose out, and all our secondary schools will lose out. That is clearly neither fair nor acceptable. Will the Secretary of State agree to meet me and other Devon MPs so that we can make our point yet again?

Mr Gibb: I am very happy to meet my right hon. Friend. I think that the Secretary of State has already met Devon MPs to discuss this matter, but I am sure that she will do so again.

I understand the concerns of my right hon. Friend the Member for East Devon (Sir Hugo Swire). There is a small fall in overall funding in his constituency, although 40% of schools in East Devon will see a rise in income on the basis of the new formula. The new funding formula attaches a higher value to deprivation than Devon's local formula, so schools in Devon with a low proportion of pupils from a disadvantaged background or with low prior attainment do less well under the

national formula. I am sure that my right hon. Friend will continue to make representations through the consultation, which closes on 22 March.

Several hon. Members *rose*—

Mr Speaker: Order. By his earlier reference to the situation “across the country”, the Minister extended the question beyond Devon, allowing other would-be contributors to ask a question.

Tracy Brabin (Batley and Spen) (Lab): The head of one of my local academy trusts tells me that his school will lose more than 2.5% of its overall budget as a result of the national funding formula alone. That figure is higher than the 1.5% cap promised by the Government. Does the Minister share the trust’s view that the cuts will have the biggest impact on deprived and vulnerable children? If so, what are the Government doing?

Mr Gibb: No, I am afraid that the hon. Lady is wrong. We aggregated all the local funding formulae across the 150 local authorities and looked at the level of deprivation. We are allocating 9.5% of the national funding formula to deprivation, which is broadly in line with the existing position. We have also increased the amount in the funding formula that goes to children who start school behind. The scheme is deliberately designed to help children from disadvantaged backgrounds who are falling behind. I would have thought that the hon. Lady, representing the constituency that she does, would support a fairer funding system that helps those particular children.

19. [908604] **Neil Parish** (Tiverton and Honiton) (Con): Further to the question asked by my right hon. Friend the Member for East Devon (Sir Hugo Swire), Devon’s small rural schools and the long distances that our pupils have to travel mean that we need more funding. While I welcome fairer funding, we are starting a long way behind.

Mr Gibb: I accept my hon. Friend’s comments. Schools in his constituency will gain about £300,000 of funding overall—a 0.6% increase. On the basis of illustrative figures for 2016-17, 70.6% of schools in his constituency will actually gain funding, compared with 29% that will lose a small amount.

20. [908605] **Vicky Foxcroft** (Lewisham, Deptford) (Lab): By 2020, the national funding formula will lead to a loss of £339 for every primary pupil and £477 for every secondary pupil. In my constituency, the figures are even higher, with primary schools losing £558 per pupil and secondary schools losing £717 per pupil. How can the Minister justify that when the child poverty level in my constituency is 36%?

Mr Gibb: Because the hon. Lady’s constituency will remain one of the highest-funded areas of the country. She is right that the per pupil funding rate in Lewisham, Deptford will fall from £5,708 to £5,550 as a result of the national funding formula, but that is still one of the highest in the country. The prosperity of London as a whole has increased over the past 10 years, with the proportion of children on free school meals falling from 27% to 18%, but it still has some of the highest levels of

deprivation. That is why, under the new national funding formula, London’s funding remains 30% higher than the national average.

Peter Heaton-Jones (North Devon) (Con): I welcome the principle of the new national funding formula, but one third of schools in North Devon look set to lose funding under the indicative figures. Will the Minister continue to listen carefully to our representations? Will he also confirm whether the indicative figures are just that and that they could be subject to some revision?

Mr Gibb: Yes, of course. The consultation is genuine and has been extended for two weeks until 22 March so that we can hear representations from my hon. Friend, from other Members and from members of the public.

Angela Rayner (Ashton-under-Lyne) (Lab): Will the Minister confirm last week’s report that the Secretary of State handed back to the Treasury £384 million that was earmarked for school improvement? Does he agree with the estimate of London Councils that it would take £335 million to ensure that no school loses out under the new funding formula?

Mr Gibb: The hon. Lady should know how negotiations with the Treasury work. We negotiated a good agreement with the Treasury and have protected core school funding in real terms. We are spending £40 billion a year on school funding—a record high figure—and that is set to rise, as pupil numbers rise over the next two years, to £42 billion by 2019-20. The figure that she refers to is about the cost of academisation. That proposal continues, but we are not targeting the same timetable that was agreed in the previous White Paper.

Kevin Foster (Torbay) (Con): The Minister will be aware that Torbay’s schools benefit overall from the proposals, yet the grammar schools that serve a large swathe of south Devon do not. I thank him for his courtesy in recently meeting the heads of those schools. Will he update me on when we are likely to receive a detailed response to the points we raised?

Mr Gibb: As I said at the meeting, which I enjoyed very much, schools in my hon. Friend’s constituency will gain £1.2 million of extra funding under the new national funding formula, which amounts to an increase of 2.4%. The funding of 78% of schools in his constituency will increase as a result of the formula. I listened carefully to the representations that he and headteachers in his constituency made, and I will respond to him shortly.

Liz Kendall (Leicester West) (Lab): The Minister said earlier that it will be schools with fewer deprived pupils and better prior attainment that are likely to lose out under his proposals, but in my constituency that is simply wrong. The nine schools that will have their funding cut are in the most deprived parts of the city where, on average, children start school 20 months behind where they should be in their development. Something has gone very badly wrong with his plans. Will he look again and explain to me and the teachers in my constituency why the kids who need help the most are going to lose out?

Mr Gibb: The hon. Lady will have looked at the consultation document and seen that a very high proportion of the national funding formula is allocated on the basis of disadvantage—it is based on pupils' low prior attainment and things such as English as an additional language. The difference is that we are basing the national funding formula on today's data, not the data as they were in 2005. As my right hon. Friend the Secretary of State has said, we have a once-in-a-generation opportunity to put in place something that the Labour party neglected to do: a fair national funding formula that is based on a clear set of factors and principles, and on up-to-date data.

Nusrat Ghani (Wealden) (Con): In East Sussex, funding per pupil is £193 lower than the national average. What more can be done for my schools in Wealden, which are both small and rural?

Mr Gibb: We have ensured that sparsity is an important factor in the national funding formula and we are increasing funding for the sparsity element from £15 million to £27 million across the system. East Sussex sees an increase in its funding overall and my hon. Friend should welcome this much fairer system. It is fairer to schools in East Sussex and right across the country.

21. [908606] **Diana Johnson (Kingston upon Hull North) (Lab):** Hull is the 19th most deprived area of the country. In November, when I asked the Secretary of State about the £13 million projected cut to Hull's school budgets by 2020, she denied it. The figures have now been crunched, and actually it is a £13.2 million reduction in budgets by 2020. What should I say to the heads of the schools in my constituency?

Mr Gibb: I suggest that the hon. Lady tells schools in Hull that, because of the way in which the new national funding formula addresses historical anachronisms and because of our focus on tackling deprivation, Hull's school funding under the formula rises from £157 million to £161.7 million, which is an increase of some 3%. In her constituency of Kingston upon Hull North, funding rises by £1.4 million, with 83% of her schools seeing an increase in funding on the basis of 2016-17 figures.

National Funding Formula: Hampshire

5. **Mr Ranil Jayawardena (North East Hampshire) (Con):** What assessment she has made of the effect of the proposed national funding formula on schools in Hampshire. [908590]

The Secretary of State for Education (Justine Greening): As we have been hearing, the Government want a fairer approach. It is clear that the Labour party supports the status quo of an unfair, un-transparent, outdated postcode-lottery approach to how schools funding is distributed. For Hampshire, this fairer alternative will mean extra money: £9 million of extra money every year for high-needs children in local Hampshire schools, in fact, and a further £4.5 million every year for Hampshire schools overall on top of that. My hon. Friend's local schools in North East Hampshire will gain more than £1 million a year.

Mr Jayawardena: I thank the Secretary of State for those figures, which are most welcome—indeed, the county council leader said that to me the other day—but living costs are also high in Hampshire, especially in North East Hampshire. Will she consider tweaking the formula so that it includes a cost-neutral cost of living allowance, given that the average house price in my patch is £375,000, but house prices just over the border, where there is a London allowance, are £50,000 cheaper?

Justine Greening: I am sure my hon. Friend will want to make those points as part of the consultation that is under way, but as he will be aware, our formula looks at area cost adjustments that take into account variations in not only the general labour market but specifically the teaching labour markets. Such an approach is designed to compensate schools that face higher wage costs. We have a measure that is based on salaries, which we think is the best way, but as I said, this is a consultation and I am sure he will want to put the point he makes into it.

Mr Speaker: It is quite a long way over the border to Liverpool, Wavertree, but there we go. I call Luciana Berger.

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): During these questions, we seem to be dealing with some "alternative facts". According to the details I have in front of me, Liverpool schools are set to lose £3.6 million. I visited a primary school in Picton in my constituency—Picton is one of the most deprived wards in the country—that is going to lose more than 10% of its budget; we are talking about more than £100,000 for some of the most deprived children in this country. Can the Government please explain to Labour Members, and to the whole House, exactly what is going on and why they seem to be presenting something very different from what our schools are having to contend with in reality?

Justine Greening: I think it is because we are using accurate data. We end up in a straightforward place. First, do we believe that our children should be funded fairly during their time in school, wherever in the country they are growing up? Secondly, do we believe that deprivation funding should be based on up-to-date data? If the Labour party wants an approach that is unfair and based on out-of-date data, I will be happy to see its submissions to the consultation.

National Funding Formula

6. **Geoffrey Clifton-Brown (The Cotswolds) (Con):** What progress her Department is making on the proposed national funding formula for schools. [908591]

The Minister for School Standards (Mr Nick Gibb): Our proposals for funding reform mean that schools and local authority areas would, for the first time, receive a consistent and fair share of the schools budget, so that they can give every child the opportunity to reach their full potential. The consultation on the second stage runs until 22 March. In Gloucestershire, funding would rise from £331.5 million to £334 million because of the national funding formula, on the basis of the 2016-17 figures, which is a rise of 0.8%.

Geoffrey Clifton-Brown: My right hon. Friend is well aware that Gloucestershire has suffered for years under the current system; there is a 61% disparity between the top-funded and the bottom-funded primary schools. Will he look carefully at the unfair proposals he has brought forward in the funding formula, because they double-count items such as deprivation, low attainment and English as a first language, and it is not fair on rural schools?

Mr Gibb: I have listened very carefully to the representations my hon. Friend makes, both today and in the various meetings we have held. The Government's proposals for funding reform seek to balance carefully the differing needs of rural and urban schools. Schools in the historically lowest-funded areas would gain, on average, about 3.6% under the national funding formula; 676 small and remote rural schools would also benefit from sparsity funding for the first time; and, nationally, small rural schools, as a group, would gain 1.3% on average, with primary schools in sparse areas gaining some 5.3% on average. In his constituency, 64% of the schools would gain funding under the proposals, based on applying the formula to the current year's figures.

Melanie Onn (Great Grimsby) (Lab): Under the new funding proposals, Ormiston South Parade academy in my constituency will see a 2.8% reduction in its budget, yet *The Times* reported last week that Ormiston Academies Trust is seeking to hire a public relations agency for up to £900,000 to deal with reputational management. Does the Minister think that parents will consider that a good use of Government funding or that that money should be spent on the school?

Mr Gibb: Academies face much greater financial scrutiny than local authority schools. They have to produce annual audited accounts, whereas local authority schools do not, and the Education Funding Agency scrutinises closely, on a quarterly basis, the funding and expenditure of academies and multi-academy trusts.

22. [908607] **Sir David Amess** (Southend West) (Con): I appreciate the challenge that my right hon. Friend faces in finding a fairer funding formula and I appreciate that this is a consultation period, but does he realise that if these changes were to go ahead as suggested, every school in Southend would lose out? I certainly cannot support that.

Mr Gibb: The new funding formula is designed to ensure that funding is properly matched to need. It uses up-to-date data so that children who face entrenched barriers to their education receive the teaching and support that they need. I recognise that my hon. Friend will be disappointed by the impact of the proposals, on the basis of illustrative figures for the 2016-17 year for schools in Southend. As he knows, we are conducting a full consultation on the formula's details, and I know he will continue to make his views known through that process.

Angela Rayner (Ashton-under-Lyne) (Lab): To return to the point made by my hon. Friend the Member for Great Grimsby (Melanie Onn) about funding for academies, what will the Minister do to help schools such as the Whitehaven academy in Cumbria, which has been left

with a crumbling building after his Government axed its capital funding, and where the teachers are now prevented from photocopying to save money? Will the Government help the pupils and parents who need support?

Mr Gibb: It is nice to hear from the hon. Lady for the third time. We are spending record amounts on capital: £23 billion has been allocated for capital spending over this spending review period. We created 600,000 more school places in the previous Parliament, and we are committed to creating another 600,000 in this Parliament. We are spending £40 billion a year on revenue funding for schools—a record amount that over the next two years will rise, as pupil numbers rise, to £42 billion. None of that would be possible if we relied on the Labour party to oversee the economy. We have a strong economy and we are rescuing it from the fiasco of the previous Labour Government.

Social Mobility

7. **Michelle Donelan** (Chippenham) (Con): What steps her Department is taking to improve social mobility through education. [908592]

11. **Ben Howlett** (Bath) (Con): What steps her Department is taking to improve social mobility through education. [908596]

The Secretary of State for Education (Justine Greening): We want to see an education system that works for everyone and that drives social mobility by breaking the link between a person's background and where they get to in life. We are delivering more good school places; strengthening the teaching profession; investing in and improving careers education; transforming technical education and apprenticeships; opening up access to universities; and focusing effort on areas of the country with the greatest challenges and the fewest opportunities, through opportunity areas.

Michelle Donelan: Currently, the pupil premium is a very limited measure—for instance, children who are young carers are not recognised. In addition, it stops at 16, despite some form of education being compulsory until 18. Will the Minister therefore consider a review of the pupil premium to achieve true social mobility?

Justine Greening: The pupil premium is worth £2.5 billion this year, and it is helping to level the playing field for 2 million disadvantaged children, including many young carers and children with mental health problems. We are also looking at the Children's Commissioner's recent report and, indeed, our own DFE research on the lives of young carers in England, as part of the cross-Government carers strategy that is being reviewed and developed. On the point about age, the national funding formula for 16 to 19-year-olds provides extra funding for disadvantaged students—around £540 million this year.

Ben Howlett: I welcomed the Government's "Schools that work for everyone" Green Paper—probably as much as the Secretary of State enjoyed reading my lengthy response to it. It showed the Government's

commitment to ensuring that all pupils have the best chance of accessing a good education. When will the draft be published?

Justine Greening: I very much appreciated my hon. Friend's submission to that consultation. We received several thousand submissions, which we are now going through. We will respond in the spring.

Lucy Powell (Manchester Central) (Lab/Co-op): I noticed that the Secretary of State did not mention grammar schools in her answers to the previous questions about social mobility. Is that perhaps because in seven out of 10 grammar schools, all the free-school-meals children could fit in one classroom? Sir William Borlase's grammar school, which I understand is set to be the first to open a new school, has just three children on free school meals. Does she think that reflects true social mobility? Are those numbers acceptable, and if not, what is she doing about it?

Justine Greening: We have been clear that we want to see existing grammars take more free-school-meals and disadvantaged children. The right way to go about getting no progress is to have no consultation and no policy development in this area, which is apparently the Labour party's position.

Rosie Cooper (West Lancashire) (Lab): If the Department for Education is as committed to social mobility through education as it claims, will the Secretary of State explain why cuts to the early years funding formula and to local authorities have actually weakened outstanding early years education, which is the foundation of social mobility?

Justine Greening: Record levels of funding are going into early years. We are now extending the 15 hours of free childcare to 30. It is simply wrong to characterise this Government as doing anything other than pumping record amounts of money into both early years and indeed the school system.

School Funding: Rural Areas

8. **Daniel Kawczynski (Shrewsbury and Atcham) (Con):** What progress the Government are making on ensuring that school funding is fairly distributed in rural areas. [908593]

16. **Maria Caulfield (Lewes) (Con):** What support the Government plan to provide for small rural schools as a result of the proposed national funding formula. [908601]

The Minister for School Standards (Mr Nick Gibb): Under the proposed formula, small rural schools will gain an average of 1.3% in funding, on the basis of the illustrative figures. We have also confirmed that the national funding formula will include a sparsity factor. That will particularly target funding on small and remote schools, which we know play an important role in our local communities. On average, small schools serving such communities would gain 3.3%, and small primary schools 5.3%.

Daniel Kawczynski: I thank the Minister for that answer. Under these proposals, some Shrewsbury schools will benefit and others will lose. Overall as a country, we

still see the extraordinary situation in which, on average, Shropshire pupils can get as little as half that of inner-city children. How can he justify parts of the United Kingdom continuing to get almost double what we get in Shropshire?

Mr Gibb: In Shropshire as a whole, school funding rises from £151.7 million to £153.2 million as a result of the national funding formula based on the illustrative figures. That is a rise of some 0.9%. In my hon. Friend's constituency, schools as a group will see an additional £100,000 of funding.

Maria Caulfield: Given that small rural schools in East Sussex are set to lose funding under the fairer funding formula, will the Minister review the need for those maintained schools to pay the apprenticeship levy, which adds to their costs, especially as fewer than half of the stand-alone academies pay that levy?

Mr Gibb: The apprenticeship levy is an important policy, as my hon. Friend will know. It is designed to ensure that we have the skills that are needed for our economy. The levy can be used to fund training and professional development in schools, and we will provide schools with detailed information on how the levy will work for them and how they can make the most of available apprenticeships.

Fiona Mactaggart (Slough) (Lab): Does the help in funding for rural schools not represent the opposite of addressing the need that I raised in a recent debate—disappointingly, the Minister did not even mention it when summing up the debate—for areas that have a high influx of additional pupils during the school year? I estimate that next year something like 600 school places in Slough will get zero funding, because, despite his talking about up-to-date deprivation numbers, he is not working his funding formula on up-to-date pupil numbers.

Mr Gibb: The formula does contain an element for growth. We also responded to the representations on mobility made by the right hon. Lady's colleague, the right hon. Member for East Ham (Stephen Timms). When pupils join a school part way through the year, that will be factored in. I would have expected her to welcome both those changes to the funding formula.

Mike Kane (Wythenshawe and Sale East) (Lab): The hon. Member for Shrewsbury and Atcham (Daniel Kawczynski) had hastily to delete a tweet this week that showed that the national debt had exploded on this Government's watch. Therefore, the sparsity formula, which was to save rural schools everywhere, has become the paucity formula. Should the Minister not tell the House that the key issue facing schools up to 2020 is the £3 billion-worth of cuts coming down the line for every school in the country?

Mr Gibb: Funding is increasing to £42 billion by the end of this spending review period. We are increasing the amount allocated for sparsity from £15 million under the current formula to £27 million. The hon. Gentleman talks about debt, but, since 2010, we have had to face the problem of tackling the historic budget deficit inherited from the last Labour Government because of their poor stewardship of the public finances. Tackling

that debt and that deficit has enabled us to have a strong economy with growing employment and greater opportunities for young people when they leave school.

Apprenticeships

9. **Rishi Sunak** (Richmond (Yorks)) (Con): What steps the Government are taking to encourage more 16 to 18-year-olds to take up apprenticeships. [908594]

The Minister for Apprenticeships and Skills (Robert Halfon): My hon. Friend will be pleased to know that, in 2015-16, 131,400 under-19 apprentices climbed up the ladder of opportunity to get the skills and jobs that they need for the future. We are investing millions in supporting providers and employers to employ apprentices. We also have the Get In Go Far campaign, which is working incredibly well, and we are investing £90 million in careers guidance, including in the Careers and Enterprise Company.

Rishi Sunak: I thank my right hon. Friend for that statement of progress. Does he agree that a UCAS system for apprenticeships could improve the status of apprenticeships, make it easier for businesses and students to connect with each other, and end the classroom divide between those applying to university and those applying for technical education?

Robert Halfon: I thank my hon. Friend for his work on the UCAS issue. He is absolutely right. We are looking very hard at this, and we announced it in our industrial strategy. We want to ensure that we give technical education students and apprentices clear information with a platform similar to UCAS. We are looking at how we can ensure that it works to help to address the skills deficit and to help the socially disadvantaged.

Nic Dakin (Scunthorpe) (Lab): Is it not time to place a duty on schools to allow colleges and other providers of post-16 education, including apprenticeships, access to pupils so that those pupils are fully aware of the options available to them?

Robert Halfon: As so often, the hon. Gentleman is absolutely right. I recently visited degree apprentices at Gateshead College whose own school refused them a visit in order to talk about apprenticeships, skills and technical education. We are doing a lot of work to ensure that careers guidance in schools properly reflects the options available. We have introduced legislation and we are looking to do more to ensure that students are offered skills and apprenticeships.

Dame Angela Watkinson (Hornchurch and Upminster) (Con): Would my right hon. Friend join me in congratulating Havering College of Further and Higher Education on its excellent five-week railway skills course from which 85% of students are moving on to apprenticeships in an area where there is a great skills shortage? Would he agree that a five-week course is an ideal way of encouraging less academic students to remain in education?

Robert Halfon: I am delighted to see my hon. Friend in her place. Not only do I offer my huge congratulations to Havering College; I would be pleased to visit with my hon. Friend.

Gordon Marsden (Blackpool South) (Lab): The Minister quoted the statistics for 2015-16, but the proportion of apprenticeships for under 19-year-olds, compared with those for older apprentices, was basically stagnant at just 26% compared with 25.2% the previous year: only one in four of all apprenticeships. The latest stats—for the first quarter—show that numbers for 16 to 18-year-olds are getting worse, with 58,190 compared with 63,200 the previous year, which is a drop of 8%. With the head of engineering training provider JTL saying that Government funding changes could cut its apprenticeships for 16 to 18-year-old by two thirds, and thousands of youngsters blocked from getting apprenticeships by being on the treadmill of GCSE English and maths resits that only one in four of them passes, where is the Government's beef for 16 to 18-year-olds, instead of motherhood and apple pie?

Robert Halfon: I am amazed by the hon. Gentleman's question. He often does not see the apprentice wood for the apprentice trees. We now have the highest number of apprenticeships on record in our island's history at 899,000, with more than 780,000 apprenticeship starts since May 2015. We are investing millions in ensuring that employers and providers hire apprentices. We have a record to be proud of.

Mr Speaker: We need to speed up.

Student Immigration

10. **Alan Brown** (Kilmarnock and Loudoun) (SNP): What discussions she has had with the Home Secretary on the Government's student immigration policy. [908595]

The Minister for Universities, Science, Research and Innovation (Joseph Johnson): Department for Education officials meet regularly with their counterparts from the Home Office to discuss a range of issues including student immigration policy. Let me be clear that the Government value the contribution that international students make to the UK's excellent higher education sector, both economically and culturally. That is why we have no plans to limit the number of genuine international students who can come here to study.

Alan Brown: If the Government really value international students, I suggest they reappraise the need for a post-study work visa, which would allow students to come here, integrate into communities and bring value to their campuses and communities. When will the Government revisit that?

Joseph Johnson: The UK has an excellent post-study work offer. Students can switch into a number of other visa routes to take up work after their studies. About 6,000 switched to a tier 2 skilled worker visa in 2015, and there is no cap on the number who may make that switch.

Alex Chalk (Cheltenham) (Con): Higher education is one of the United Kingdom's greatest exports, and the Government are promoting it brilliantly. Do the Government think that, as we move forward post-Brexit, we should look to take student numbers outside the immigration figures?

Joseph Johnson: The key thing is that, whether or not they are in those figures, there is no limit on the number of international students who can come here to study. The UK is the best place in the world to get a higher education, and we are delighted that, for the last six years, over 170,000 international students have come to study in the UK.

24. [908609] **Gavin Newlands** (Paisley and Renfrewshire North) (SNP): Recent UCAS figures show that the number of EU students applying to Scottish universities has already fallen by 5%. The University of the West of Scotland has a new global reach strategy that aims to grow the number of international students attending UWS. Will the Minister explain to the university what it should do to achieve that goal despite the Brexit barriers the Government are putting in its way?

Joseph Johnson: The UK is immensely successful at attracting international students. We are second in the world in terms of our market share, behind only the United States. We continue to extend a warm welcome, and we wish that more international students would come.

Carol Monaghan (Glasgow North West) (SNP): Scottish universities, of course, were not included in the post-study work pilot. The Scottish Parliament's Europe committee has today published a report calling for Scotland to have a differing immigration system; this is the third parliamentary report calling for that. Will the Minister now urge the Home Secretary to listen and include Scottish institutions in the post-study work scheme?

Joseph Johnson: Scottish institutions are successful in attracting international students, and they are also successful in seeing those students switch into post-study work. It is important to note that the number switching into work after study is increasing: it was at 6,000 last year—up from 5,000 the year before and 4,000 the year before that.

Carol Monaghan: Being considered an international student post-Brexit will affect whether EU students choose to come to the UK, and that will have a major impact on university funding. What discussion has the Minister had with the Home Secretary on the immigration status of EU students post-Brexit?

Joseph Johnson: These questions will be considered in the context of the broader discussions relating to our withdrawal from the European Union.

Education Provision: Northamptonshire

12. **Mr Philip Hollobone** (Kettering) (Con): What recent assessment she has made of the adequacy of education provision in Northamptonshire; and what steps she plans to take to improve that provision.

[908597]

The Minister for School Standards (Mr Nick Gibb): We are concerned that the quality of education in too many Northamptonshire schools is not good enough, especially for disadvantaged pupils. We are using new powers to tackle inadequate schools and to move them into strong multi-academy trusts. We are also working with the local authority, teaching schools and academy trusts to ensure that schools are receiving appropriate support to help them to improve.

Mr Hollobone: Educational attainment in Northamptonshire, sadly, is still below the national average. What is the single most important thing the local education authority should be doing to raise standards?

Mr Gibb: I pay tribute to my hon. Friend for his work in seeking to raise standards in Northamptonshire schools. In October, together with hon. Friends representing Northamptonshire constituencies, we met the director of children's services at Northamptonshire County Council to discuss academic standards in Northamptonshire schools. That included discussions about standards in phonics, which I would say is the single most important issue; key stage 2 SATs in reading and maths; GCSE results; and the EBacc. I have taken a close interest in the schools in my hon. Friend's county, and we are meeting again in April to assess progress.

Mr Peter Bone (Wellingborough) (Con): Unfortunately, the Minister is absolutely right. Sir Christopher Hatton school in my constituency is outstanding, but we have two inadequate schools—Rushden and the Wrenn—and the Minister will shortly meet me and the chief executive of the Hatton Academies Trust. Does he agree that local academy trusts also have an important role to play in solving the problem with Northamptonshire's education?

Mr Gibb: Yes, I do agree with my hon. Friend. Collaboration between schools, particularly in local multi-academy trusts, is one of the most effective ways of ensuring that we spread best practice and that schools in a multi-academy trust help one another to raise aspirations and the standard of academic education our children receive.

Pupils from Disadvantaged Backgrounds

13. **Justin Tomlinson** (North Swindon) (Con): What steps the Government are taking to increase educational opportunity for pupils from disadvantaged backgrounds.

[908598]

The Minister for Vulnerable Children and Families (Edward Timpson): As my right hon. Friend the Secretary of State told the House in December, increasing education opportunity for disadvantaged pupils underpins our commitment to make sure our country works for everyone. Through the pupil premium, worth £2.5 billion this year, we are narrowing the gap between disadvantaged pupils and their peers. In 2016-17, over £8.8 million of this funding was allocated to schools in Swindon.

Justin Tomlinson: It was a great pleasure to welcome the School Standards Minister to Swindon Academy—a school with a predominantly deprived catchment area, a high proportion of children on free school meals, and, crucially, surplus places. Its decision to introduce a

grammar scheme in conjunction with Marlborough College has given every student, regardless of background, an opportunity to opt into an academically rigorous curriculum. Will the Minister share this best practice?

Edward Timpson: My right hon. Friend the Minister for School Standards just reminded me of how impressed he was on that visit by the steps that that school is taking to provide its pupils with a rigorous academic curriculum. By trusting school leaders like those in Swindon, we are enabling them to use their unparalleled knowledge of their pupils to create new, tailor-made ways of ensuring that every child can academically succeed.

17. [908602] **Steve McCabe** (Birmingham, Selly Oak) (Lab): With regard to disadvantage, the Government are about to close Baverstock Academy in my constituency. They will not say what that costs or where the pupils will go, and will not explain the inaccurate travel and future demand data. The Secretary of State will not even respond to my request for a meeting, although I am told she has got time for a photo op elsewhere in Birmingham, where she will not be meeting Baverstock parents. Are you at all surprised, Mr Speaker, that when it comes to disadvantage my constituents have one word for Government education policy—betrayal?

Edward Timpson: As the hon. Gentleman will know, Baverstock Academy went into special measures in September 2014. The Department intervened swiftly to challenge the academy's senior leadership team, and monitored attainment and progress closely. Throughout 2016, the regional schools commissioner sought a new sponsor for the school, but in November 2016 the Ofsted inspector confirmed that the school remains in special measures. The hon. Gentleman is right to continue to be worried about the schools in his constituency: so are we, and we will continue to do what we can to make sure that we turn this around.

Several hon. Members *rose*—

Mr Speaker: One last question—the voice of Luton North, Mr Kelvin Hopkins.

Sixth-form Education

14. **Kelvin Hopkins** (Luton North) (Lab): What comparative assessment she has made of the sixth-form education system in England and education systems in other countries. [908599]

The Minister for Apprenticeships and Skills (Robert Halfon): Education and training in England are widely respected, but we are determined to make further improvements to make sure that 16 to 19-year-olds are ready for the demands of the workplace. We are reforming academic and technical education for over-16s, and we are learning from the best of international systems.

Kelvin Hopkins: Why are sixth-formers in England funded to receive only half the tuition time and support provided to sixth-formers in Shanghai, Singapore and other leading education systems?

Robert Halfon: I am proud that we have equalised funding between sixth-form colleges and further education colleges, and that we have protected the base rate of spending for FE students and will be spending £7 billion this year on further education. We have funding pressures, as the hon. Gentleman knows, but we are doing everything we can to invest in our skills and education.

Topical Questions

T1. [908576] **Mrs Sheryll Murray** (South East Cornwall) (Con): If she will make a statement on her departmental responsibilities.

The Secretary of State for Education (Justine Greening): The recent release of school performance statistics confirmed that the hard work of teachers and pupils across the country is leading to higher standards in our schools. Last month I announced a further six opportunity areas aimed at tackling the challenges for young people from early years right through to the world of work. When I announced the first lot of opportunity areas in October, I also made it clear that building a country for everyone means better options for the more than half of our young people who do not choose to go to university. That is why technical education is at the heart of the industrial strategy that the Government published last month. We are determined to create a gold-standard technical route so that the young people who choose to pursue it can get the skills that we, and our economy, need to succeed.

Mrs Murray: I welcome the Government's commitment to apprenticeships. Lantoom Quarry in my constituency is a leading provider of high-quality apprenticeships leading to permanent full-time employment in many cases. Will my right hon. Friend assure me that aligning further education and training policy with the needs of employers remains a priority?

Justine Greening: I can give my hon. Friend that assurance. Indeed, putting the needs of employers first is at the heart of our apprenticeship reforms. That includes introducing employer-designed standards that test whether an apprentice has the skills, the behaviours and the knowledge that employers need.

Mrs Emma Lewell-Buck (South Shields) (Lab): This Government allowed two local authorities rated "good" for children's services to be granted exemptions from statutory guidance, even extending these exemptions when there was no evidence of improvement. Ofsted has since rated them both "inadequate", finding that for too long children have been left at risk and are suffering harm. Despite growing evidence of the dangers of these opt-out practices, the Secretary of State is determined to push through massive deregulation in the Children and Social Work Bill, which will allow local authorities to opt out of not just guidance but vast swathes of primary and secondary child protection legislation. Why does she think it is okay to experiment with the lives of vulnerable children?

The Minister for Vulnerable Children and Families (Edward Timpson): We had a healthy debate about the power to innovate in Committee, but I am afraid the hon. Lady still fails to grasp what we are trying to

achieve. Local authorities and social workers tell us that when well-intentioned legislation prevents them from doing what is best for young people, they want to be able to try new ways to ensure that the outcomes for children improve. That is why a whole raft of organisations, including the Children's Society, have told us that they welcome the Government's commitment to innovation in children's social care and support the intention to allow local authorities to test new ways of working in a time-limited, safe, transparent and well-evaluated way. I would have thought the hon. Lady would welcome that, rather than trying to concoct difficult arguments about the way forward that we want to take with the Bill. It is wrong, and she should follow the path that the profession wants to take.

T3. [908578] **Marcus Fysh** (Yeovil) (Con): I welcome the recent proposal to re-weight the schools national funding formula, which goes some way towards redressing the historical injustice of underfunding in rural schools in Somerset. Although some of the schools in my constituency, such as Barwick and Buckland, are set to receive about 20% more in two years' time, other rural primary schools such as Winsham seem to have been treated very differently. Will my right hon. Friend meet me to review these anomalies?

The Minister for School Standards (Mr Nick Gibb): I would, of course, be delighted to meet my hon. Friend to discuss school funding in Yeovil. Indeed, so efficient are our offices that that meeting is already in the diary for 27 February. I should remind him that in his constituency, school funding rises by some £2.8 million under the new national funding formula, and that 94% of the schools in his constituency will see a rise in funding.

T5. [908580] **Jess Phillips** (Birmingham, Yardley) (Lab): In my constituency, 85% of children who attend an independent nursery do not have access to a qualified early years teacher. The proportion of our children in that situation is one of the highest in England, and it means that they are 10% less likely to be at the expected standards of early development by the age of five. The Minister has said that she wants to increase social mobility, so what effort is she making to do that in Birmingham, Yardley?

The Parliamentary Under-Secretary of State for Education (Caroline Dinenage): The hon. Lady is absolutely right to point out that our early years workforce is one of our greatest assets. We will shortly be releasing a workforce strategy, which will outline how we want to improve what already exists. We need to help employers to attract, to retain and to develop their staff to deliver the very highest quality of early years provision.

Mr Speaker: Short questions and short answers, please.

T4. [908579] **Jeremy Quin** (Horsham) (Con): As part of the fair funding consultation, will the Secretary of State consider establishing a minimum level of funding per school?

Justine Greening: We have had representations from some low-funded authorities about whether their schools need a de minimis level of funding in circumstances in which few of their pupils bring with them additional needs funding. We are looking at that and all the other

concerns that right hon. and hon. Members have raised during the consultation process, which is why it is an extended one of 14 weeks.

T6. [908581] **Lucy Powell** (Manchester Central) (Lab/Co-op): Following investigations by the *Manchester Evening News*, two very serious allegations of financial mismanagement have come to light in two multi-academy trusts that operate in my constituency. One is £4.5 million in debt. In the other, lots of money has gone missing. The Minister for School Standards said earlier that the EFA does a good job of holding multi-academy trusts to account, but what more can be done to make sure that that money is recouped and those people are held to account?

Justine Greening: It is important that we have strong governance for multi-academy trusts, as the hon. Lady points out. I would also say that we need equally strong governance for local authority-maintained schools.

T7. [908582] **Bob Blackman** (Harrow East) (Con): My right hon. Friend will be well aware that Harrow is the most multiracial borough in the country. Can she explain to the people of Harrow why every secondary school bar one and every primary school in my borough will see a reduction in expenditure under her plans?

Mr Gibb: My hon. Friend will know that 22% of the schools in his borough will see an increase in funding, and per-pupil funding on average in Harrow remains high, at £4,792 per pupil. That is higher than in many local authority areas around the country.

Mr Speaker: Of topical length, please, Mr Greg Mulholland.

Greg Mulholland (Leeds North West) (LD): Leeds is reviewing its support for transport to school for pupils with special educational needs and disabilities, and there is a risk that people over-16 may not get such funding. Will the Government commit to ensuring that all children in such a situation in the country get the funding they need for transport to school?

Edward Timpson: The hon. Gentleman will know that during the past few years we have been implementing the new special educational needs system. It is embedding well in many parts of the country, but there are still areas that we want to look at to make sure that every child is benefiting from the changes. I am happy to look at the issue that he raises and to meet him if he so wishes, so that we can try to make some progress.

T8. [908583] **Stephen Metcalfe** (South Basildon and East Thurrock) (Con): Following the focus provided by the recently launched industrial strategy, will my right hon. Friend tell the House what steps the Government are taking to ensure that every child gets the kind of STEM—science, technology, engineering and maths—education that they will need in the future to access the undoubted opportunities that will exist?

Justine Greening: We have not only focused on maths and English, but we have in particular made sure that girls in school are taking STEM subjects like never before. That is absolutely vital if we are to have the skills

that British businesses need to help us to be successful in the future. I am delighted to say that A-level maths is now the most successful A-level, but we want that progress to continue and to have more STEM graduates in future years.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): Adult education can transform lives, address our skills gap and address technology change, yet the number of adult learners has fallen off a cliff and the industrial strategy does not even mention it. Can the Secretary of State have a word about that?

The Minister for Apprenticeships and Skills (Robert Halfon): The hon. Lady will be pleased to know that by 2020 we will be spending more on the adult education budget than at any time in our island's history. We are investing in skills, with millions of pounds for the national colleges and the institutes of technology; we are investing in apprenticeships, with 377,000 over-19s in apprenticeships in the past year; and we are investing in adult education—that is exactly what we are doing.

T9. [908584] **Stephen McPartland** (Stevenage) (Con): I am chairman of the all-party group on literacy. Today, with the National Literacy Trust, we are announcing figures showing that 86% of all English constituencies have at least one ward with significant literacy problems. Does the Minister agree that people not being able to read and write is not just an economic issue, but one of social justice?

Mr Gibb: I share my hon. Friend's view about the primacy of reading and writing, which are fundamental to education and to social justice. That is why ensuring that children are taught to read using the method of systematic synthetic phonics—evidence from this country and around the world shows that it works—has been at the heart of our education reforms. As a result, the proportion of six-year-olds reaching the expected standard in the phonics check has risen from 58% in 2012 to 81% in 2016.

Karin Smyth (Bristol South) (Lab): What does the Secretary of State say to my constituent Catherine Foster, who received funding in April 2015 for a health and social care diploma with a provider that has now gone into administration? She has no access to her portfolio and no qualification, but a mountain of debt. Will the Secretary of State look into this case and meet me to help Catherine and thousands of other students in this situation?

Robert Halfon: I thank the hon. Lady for her question. I am very happy to meet her. I know that the Skills Funding Agency is doing everything possible to make sure that anyone affected by such issues has alternative education provision. I have asked the SFA to offer every possible assistance as well.

T10. [908585] **Rebecca Pow** (Taunton Deane) (Con): Will the Secretary of State provide me with an update on when the performance tables for 2019 will be released,

as it is very important for schools in Taunton Deane to be aware of them when advising year 9 pupils about which GCSEs to select?

Justine Greening: My hon. Friend is absolutely right to highlight the importance of this information. We are currently finalising the details of the technical and applied qualifications that will count in 2019 performance tables, and we will publish the list as soon as possible.

Dame Rosie Winterton (Doncaster Central) (Lab): Is the Secretary of State aware that the university technical college bid in Doncaster is vital to improving skills and increasing apprenticeships? Will she, without delay, give the college the go-ahead, or meet the local chamber of commerce and local authority to explain the delay?

Justine Greening: I have had a chance to look around a number of UTCs during my time in this role, and many of them are producing an outstanding education that is very different from the education the young people who go to them might otherwise have had. I am well aware that Doncaster wants a response in relation to its UTC application—I very much welcome the backing that the right hon. Lady has given it—and we will confirm the decision shortly.

Chris Green (Bolton West) (Con): Too many people leave school without achieving the results they need, but is my right hon. Friend aware of the incredible work done by the British Army at the Pirbright and Catterick training camps in getting people who join those establishments without the necessary grades up to the right grade, and will he undertake to find out what can be learned from those places?

Mr Gibb: I thank my hon. Friend for bringing the work of the Army training camps at Catterick and Pirbright to the attention of the House. The Army has a strong track record of delivering high-quality education and training. I would be delighted to discuss these issues further with him.

Lilian Greenwood (Nottingham South) (Lab): Sir Michael Wilshaw recently urged the Government to tackle the comparatively low standards in many northern and midlands secondary schools, and Nottingham's education improvement board has identified teacher recruitment and retention as its No. 1 priority. How can the Secretary of State honestly believe that cutting the funding of every single school in my constituency will help them to attract the best teachers and so raise standards among young people in some of our most deprived communities?

Justine Greening: The Government have put huge amounts of funding into the northern powerhouse strategy to help schools across the north to lift their standards. Part of that relates to improving teacher recruitment and retention. It is not just northern schools where we want to see progress; we want to see progress in midlands engine schools and—dare I say it—schools in the east of England.

Informal European Council

3.36 pm

The Prime Minister (Mrs Theresa May): Before I turn to the European Council, I am sure the whole House will want to join me in sending our congratulations to Her Majesty the Queen as she marks her sapphire jubilee today. It is testimony to Her Majesty's selfless devotion to the nation that she is marking becoming our first monarch to reign for sixty-five years not with any special celebration, but instead by getting on with the job to which she has dedicated her life. On behalf of the whole country, I am proud to offer Her Majesty our humble thanks for a lifetime of extraordinary service. Long may she continue to reign over us all.

Turning to last week's informal European Council in Malta, Britain is leaving the European Union but we are not leaving Europe, and a global Britain that stands tall in the world will be a Britain that remains a good friend and ally to all our European partners. So at this summit we showed how Britain will continue to play a leading role in Europe long after we have left the EU, in particular through our contribution to the challenge of managing mass migration; through our special relationship with America; and through the new and equal partnership that we want to build between the EU and an independent, self-governing, global Britain. Let me take each point in turn.

First, on migration, the discussion focused on the route from Libya across the central Mediterranean. As I have argued, we need a comprehensive and co-ordinated approach, and that is exactly what the Council agreed. That includes working hard in support of an inclusive political settlement to stabilise Libya, which will help not only to tackle migration flows, but to counter terrorism. It means working to reduce the pull factors that encourage people to risk their lives and building the capacity of the Libyans to return migrants to their own shores, treat them with dignity and help them return home. It means looking beyond Libya and moving further upstream, including by urgently implementing the EU's external investment plan to help create more opportunities in migrants' home countries and by helping genuine refugees to claim asylum in the first safe country they reach. It also means better distinguishing between economic migrants and refugees, swiftly returning those who have no right to remain and thereby sending out a deterrence message to others thinking of embarking on perilous journeys. The Council agreed action in all those areas.

Britain is already playing a leading role in the region and at the summit I announced further steps, including additional support for the Libyan coastguard and more than £30 million of new aid for the most vulnerable refugees across Greece, the Balkans, Egypt, Tunisia, Morocco, Algeria, Sudan and Libya. Britain is also setting up an £8 million special protection fund to keep men, women and children in the Mediterranean region safe from trafficking, sexual violence and labour exploitation as part of our commitment to tackle modern slavery. The Council agreed with my call that we should do everything possible to deter this horrific crime, including by introducing tough penalties for those who trade in human misery and by working together to secure the necessary evidence for prosecutions that can put these criminals behind bars, where they belong.

Turning to America, I opened a discussion on engaging the new Administration, and I was able to relay the conversation I had with President Trump at the White House about the important history of co-operation between the United States and the countries of Europe. In particular, I confirmed that the President had declared his 100% commitment to NATO as the cornerstone of our security in the west. I also made it clear, however, that every country needed to share the burden and play its full part, meeting the NATO target of spending 2% on defence. It is only by investing properly in our defence that we can ensure we are properly equipped to keep our people safe.

I was also able to relay my discussions with President Trump on the importance of maintaining the sanctions regime on Russia in response to its actions in Ukraine, and I very much welcome the strong words last week from the new US ambassador to the United Nations, Nikki Haley, in confirming America's continued support for these sanctions.

Of course, there are some areas where we disagree with the approach of the new Administration, and we should be clear about those disagreements and about the values that underpin our response to the global challenges we face. I also argued at the Council, however, that we should engage patiently and constructively with America as a friend and ally—an ally that has helped to guarantee the longest period of peace that Europe has ever known. For we should be clear that the alternative of division and confrontation would only embolden those who would do us harm, wherever they may be.

Finally turning to Brexit, European leaders welcomed the clarity of the objectives we set out for the negotiation ahead. They warmly welcomed our ambition to build a new partnership between Britain and the EU that is in the interests of both sides. They also welcomed the recognition that we in Britain want to see a strong and successful EU, because that is in our interests and the interests of the whole world.

On the issue of acquired rights, the general view was that we should reach an agreement that applied equally to the other 27 member states and the UK, which is why we think a unilateral decision from the UK is not the right way forward. As I have said before, however, EU citizens living in the UK make a vital contribution to our economy and our society, and without them we would be poorer and our public services weaker. We will therefore make securing a reciprocal agreement that will guarantee their status a priority as soon as the negotiations begin, and I want to see this agreed as soon as possible, because that is in everyone's interests.

Our European partners now want to get on with the negotiations. So do I, and so does this House, which last week voted by a majority of 384 in support of the Government triggering article 50. There are, of course, further stages for the Bill in Committee and in the other place, and it is right that this process should be completed properly, but the message is clear to all: this House has spoken, and now is not the time to obstruct the democratically expressed wishes of the British people. It is time to get on with leaving the EU and building an independent, self-governing, global Britain. I commend this statement to the House.

3.42 pm

Jeremy Corbyn (Islington North) (Lab): I thank the Prime Minister for her statement and for advance sight of it, and I echo her sentiments towards Her Majesty. I wish her Majesty well at this auspicious time in her life and thank her for her service.

The Prime Minister has used this curiously named “informal” EU summit to press the EU’s NATO members to fulfil their defence expenditure requirements. The last Labour Government consistently spent over 2% on defence. The Tory Government’s cuts since 2010 have demoralised our armed forces, cut spending by 11% in the last Parliament and reduced the size of the Army from 82,000 to 77,000. As well as making these cuts, they have changed the way the 2% spending is calculated. Given that she is lecturing other countries, will she tell the House why her Government changed the accounting rules to include aspects of expenditure not previously included? The Defence Committee in 2015 noted that the Government were only meeting the 2% figure by including areas, such as pensions, not previously included. It went on to say that

“this ‘redefinition’ of defence expenditure undermines, to some extent, the credibility of the Government’s assertion that the 2% figure represents a...increase”.

To add to the disarray, this weekend, *The Sunday Times* uncovered a series of equipment failures and bungled procurement deals, including apparently ordering light tanks that are too big to fit in the aircraft that are supposed to be transporting them. This really does cast some doubt on the Government’s competence in this area, so perhaps it is not such a good idea to go lecturing other countries on defence spending and procurement.

Labour has long been concerned about poor planning and short-sightedness by the Ministry of Defence and long delays in delivering projects. The extent to which the MOD appears to have lost control of some of its biggest equipment projects is worrying, and it would be nice to know what action the Prime Minister is taking on this matter.

Earlier today, the Prime Minister had a meeting with the Israeli Prime Minister, Benjamin Netanyahu. Did she make it clear to him that, as is often mentioned in this House and by the Prime Minister herself, there is continued opposition by the British Government to the illegal settlements being built in the Occupied Palestinian Territories?

Labour has been unequivocal about the fact that it is within this Government’s gift to guarantee the rights of EU citizens to remain in this country. There is no need to wait for negotiations to begin; the Government could do it now. This is not a question about Brexit; it is a question about human rights, democracy and decency towards people who have lived and worked in this country. Many families have had children born here, and I think we must guarantee their rights. Many of those people have been left in limbo, and are very deeply concerned and stressed. Did the Prime Minister discuss this issue with her European counterparts, and will she today provide those people with the clarity and assurances that they both need and, I believe, deserve?

We are clear that we accept the mandate of the British people to leave the European Union, but we will not accept this Government turning this country into a bargain basement tax haven on the shores of Europe.

Finally, we welcome the additional £30 million that the Government have committed to the refugee crisis across Europe. Last week at Prime Minister’s Question Time, the Prime Minister said that the UK had resettled 10,000 refugees from Syria. According to the House of Commons Library, we have resettled less than half that figure—4,414. There is an ongoing and grave human tragedy that has resulted in more than 5,000 people drowning in the Mediterranean last year and 254 already this year, and we are only at the beginning of February.

I believe that we should also note the phenomenal commitment of the Government and people of Greece to the huge number of refugees in their country, and the difficulties they are having in supporting them. What conversations did she have with her Greek counterpart on this important matter? I also say to the Prime Minister that, even post-Brexit, this is an issue that will affect every country in Europe. It is the biggest humanitarian crisis that we have ever faced in the world, and we will need to co-ordinate as a continent to address this issue with all the humanity and resources that our collective values determine should be deployed towards it.

The Prime Minister: The right hon. Gentleman opened his remarks by referring to what I think he called the “curiously named” informal Council. It is the convention that at every new presidency—there are two new presidencies each year—the presidency holds an informal Council in which people are able to talk about a number of issues looking ahead to the formalities of the Council. There we are; that is what happens; and that is what we were doing in Valletta.

The right hon. Gentleman referred to my meeting earlier today with Prime Minister Netanyahu, and I have to say that this was not a subject for discussion at the European Union Council last week. However, I have made the UK Government’s position on settlements clear, and I continued to do that today.

The right hon. Gentleman raised the issue of UK nationals. As he said, it is absolutely right that we value the contribution that EU citizens are making here in the United Kingdom—their contribution to our communities, our economy, our society, and, as I have said, to our public services—but I think it is also right that we ensure that the rights of UK citizens living in other European states are maintained. It is clear from the conversations that I have had with a number of European leaders about this issue that they think that it should be dealt with in the round as a matter of reciprocity, but, as was made plain by, for example, the conversations that I had with Prime Minister Rajoy of Spain, we are all very clear about the fact that we want to give reassurance to people as early as possible in the negotiations.

The right hon. Gentleman talked about the issue of refugees, and about people drowning in the Mediterranean. Of course the loss of life that we have seen has been terrible, as is the continuing loss of life that we are seeing despite the best efforts of the United Kingdom: the Royal Navy and Border Force have been there, acting with others to protect and rescue people. That is why it is so important that we stop people making that perilous journey in the first place and risking their lives, and that is why the work that we discussed at the EU Council in Valletta on Friday is so important.

The right hon. Gentleman asked about our relationship with Greece. We continue to support Greece: we have a number of experts providing support on the ground,

[*The Prime Minister*]

giving the Greeks real help with the task of dealing with the refugees. I made a commitment that we would want to continue to co-operate with our European partners on this issue after leaving the European Union, because it is indeed not confined to the European Union; it affects us as a whole, throughout Europe.

The right hon. Gentleman made a number of comments about defence. Indeed, he devoted a fair amount of his response to the whole question of defence. At one point, he said that the fact that we were spending 2% on defence cast doubt on the competence of the UK Government in matters relating to it. I think this is the same right hon. Gentleman who said that he wanted to send out our nuclear submarines without any missiles on them. You couldn't make it up.

Mr Kenneth Clarke (Rushcliffe) (Con): I think that, for most states, the main business of the Council was yet another attempt to tackle the problem of mass migration from the middle east and north Africa, which is destabilising the politics of every European country. Will my right hon. Friend confirm—in fact, I think she just has—that, as Prime Minister, she will play as active a part as she did when she was Home Secretary in working with the other European Union countries to tackle the problem? Otherwise we shall have a continuing problem of attempts to come to this country.

If we are going to start returning refugees to the coast of north Africa, may I ask whether any progress is being made in the efforts that my right hon. Friend was making when she was Home Secretary to find somewhere on the other side of the Mediterranean where Europeans can finance and organise reception centres and refugees and applicants can be processed in a civilised way, and where it can be ensured that only genuine asylum seekers are let into this country?

The Prime Minister: I can give my right hon. and learned Friend those reassurances. As he has said, this issue will continue to affect us, and to affect us all. It is not confined to the borders of the European Union. We will continue to co-operate with our European partners on this important matter while we remain in the EU and beyond.

Of course, as my right hon. and learned Friend indicated, one of the concerns about returning people to north Africa has related to the conditions to which they would be returned. That is why the EU has made efforts in Niger to establish some centres to try to ensure that people do not progress through to Libya and attempt to cross the Mediterranean, and it is also why we referred in the Council conclusions to our support for the Italian initiative. The Italians have worked with the Government of National Accord in Libya to secure an agreement that they will do some work there, in particular to ensure that people can be returned to suitable conditions, and we will support that.

Angus Robertson (Moray) (SNP): May I begin by joining the Prime Minister and the Leader of the Labour party in extending to the Queen the best wishes of my right hon. and hon. Friends on the occasion of her sapphire jubilee? We wish her a very pleasant day with her family, and many further jubilees to come.

I thank the Prime Minister for giving me advance sight of her short statement about what was the first European Union informal summit since she published her White Paper on Brexit. It was also the first meeting since she met colleagues in the Joint Ministerial Committee of the British-Irish Council, and, of course, the first since her visit to Dublin.

As we have already established, the Prime Minister wants no hard borders on these islands; she wants the free movement of peoples on these islands and the safeguarding and boosting of trade on these islands, and we on these Benches wholeheartedly support these aims. But given the great importance that the Prime Minister gives in the White Paper to the Union of the United Kingdom and what we are told is a partnership of equals, she will surely have briefed her European colleagues while she was in Malta about the progress of negotiations with the other Governments on these islands. So did she confirm that she will work with the Scottish Government to secure continuing membership of the European single market? Did she tell her European colleagues that we value EU citizens living in our country, that their presence will be guaranteed, and that she is prepared to learn the lessons from Canada, from Australia and from Switzerland, where it is perfectly possible to have different immigration priorities and policies within a unitary state? Did the Prime Minister remind European colleagues that in Scotland we voted by 62% to remain in the European Union and that only one Member of Parliament representing a Scottish constituency voted for her Brexit legislation?

We are getting to a stage where warm words from the Government are not enough. It is the member state that is supposed to negotiate on all of our behalves within the European Union. Scotland did not warrant a single mention in the Prime Minister's statement. She now has the opportunity to tell us: what Scottish priorities did she raise at the European summit? Did she raise any at all?

The Prime Minister: The right hon. Gentleman is right that I have confirmed our commitment to the common travel area; I have been discussing that with the Taoiseach, and officials continued those discussions. The right hon. Gentleman referenced EU citizens; as I said in my statement and in response to the Leader of the Opposition, in the United Kingdom we all value the contribution that EU citizens have made to the United Kingdom—to our society, to our economy, to our public services. We want to be able to give them the reassurance at as early a stage as possible of their continuation. As the UK Government, of course we have a duty to consider UK citizens living in other EU states as well and, as I have said, it has been clear that there is good will on all sides in relation to this matter, but there is an expectation that this will be considered in the round and that we can look at EU citizens here and UK citizens in other member states.

The right hon. Gentleman also asked a number of questions about what I was putting forward to the European leaders of the 27. Of course, what I was putting forward was the views of the United Kingdom. It is the UK that will be negotiating; we listen, we take account of, and we incorporate views of Scotland, Northern Ireland and Wales, but when I am sitting there around the EU Council, I am doing so as the Prime Minister of the United Kingdom.

Sir William Cash (Stone) (Con): Did my right hon. Friend observe that after she had spoken to the 27 they were far more realistic, particularly with respect to the question of defence and NATO, than they had been beforehand, and in particular than in respect of Donald Tusk's letter to the 27, which he sent them on 31 January?

The Prime Minister: My hon. Friend is absolutely right; there is a growing recognition among the member states of the European Union that within NATO it is important to meet the 2% commitment for expenditure on defence. I am pleased to say that a small number of other European member states have already reached that 2% level, but others are actively moving towards that 2%—most notably, perhaps, some of the Baltic states.

Hilary Benn (Leeds Central) (Lab): Last spring, in pointing out that we export more to Ireland than to China and almost twice as much to Belgium as to India, the Prime Minister said:

“It is not realistic to think we could just replace European trade with these new markets.”

Can she therefore give the House an assurance that in the negotiations she will seek to safeguard tariff and barrier-free access to European markets for British businesses, if necessary by remaining in the customs union if that is the only way to ensure this?

The Prime Minister: Nobody is talking about replacing European Union trade with trade around the rest of the world. What we are talking about is expanding our trade across the world so that we have a good trading relationship with the European Union but are also able to sign up to new trade agreements with other parts of the world. As the right hon. Gentleman knows, a number of countries are already talking to us about such potential trade agreements, and we will do what is necessary to ensure that we can expand trade around the world, including with the European Union.

John Redwood (Wokingham) (Con): Is the Prime Minister as shocked as I am that the EU, which is bound by treaty to the rule of law and human decency, is unable to offer a simple reassurance to all British citizens living on the continent that they will not face eviction?

The Prime Minister: I think that I am more hopeful than my right hon. Friend, in that I have every confidence that we will be able to address this issue as an early discussion within the negotiations. I would have liked to be able to address it outside the negotiations but, sadly, some member states did not wish to do that. However, I think that the goodwill is there to give that reassurance to EU citizens here and to UK citizens in Europe.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): On the customs union, the Prime Minister has said that she insists on being outside the common external tariff. If the UK, France and Ireland all have different tariffs on goods coming in from outside, how will she guarantee to have barrier-free goods passing between those different countries? A lot of people cannot see how we can be outside the common external tariff and have barrier-free trade. If it comes to that crunch,

will she agree to go back into the customs union and be part of the common external tariff in order to have barrier-free trade?

The Prime Minister: The right hon. Lady is approaching this, as a number of others have done, as a binary issue between customs union membership and having a good trade agreement with the European Union. I do not see it as such. We want to be able to negotiate free trade agreements with other countries around the world, but our membership of parts of the customs union—this is not just a single in or out question—currently prevents us from doing those free trade agreements. I am confident that we can achieve the sort of free trade agreement with the European Union that is in our interest and that of the European Union and that gives us the ability to trade across borders that we want in the future.

Crispin Blunt (Reigate) (Con): In her statement, my right hon. Friend talked about the new and equal partnership that we wish to build between the EU and an independent, self-governing, global Britain. She also pointed out the importance of co-operation on issues such as migration from Libya. Were there any discussions on, and what contemplation is she giving to, Britain's continuing de facto involvement in the common foreign and security policy and the common security and defence policy after Brexit?

The Prime Minister: I can reassure my hon. Friend that this is one of the issues we are looking at in relation to the negotiations that are coming up. In the speech that I made at Lancaster House two and a half weeks ago, I was very clear that we recognised the importance of the security and defence co-operation that we have with our European partners and that we wanted to continue that co-operation.

Tim Farron (Westmorland and Lonsdale) (LD): I thank the Prime Minister for giving me advance sight of her statement. I should also like to associate myself and my colleagues with her congratulations to Her Majesty the Queen on the occasion of her sapphire jubilee. During the Prime Minister's brief walkabout with Angela Merkel—during which I assume she offered her a state visit—did she raise the issue of unaccompanied child refugees? Will she now confirm that the Government will not break the promise, made by the House nine months ago under the terms of the Dubs amendment, of a safe future for those children, and that the scheme will remain open and in use for the rest of this Parliament in order to offer safe haven to at least 3,000 unaccompanied child refugees?

The Prime Minister: I can reassure the hon. Gentleman that the Government are indeed putting into practice our commitment to give support to child refugees who have already made it across into Europe and to bring them to the UK. Many child refugees have already been brought to the UK under that scheme.

Several hon. Members *rose*—

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

Dr Julian Lewis (New Forest East) (Con): Thank you, Mr Speaker. Given that there can be no security for Europe without the intimate involvement of the United States of America, will my right hon. Friend please redouble her efforts to persuade our continental friends—and, indeed, our friends on the Opposition Benches—that, whatever they feel about an individual President's personal qualities, the way to proceed has to be to reach out to him, to respect his office and to keep strengthening the alliance?

The Prime Minister: My right hon. Friend is right. One of the themes at the informal Council was the recognition of the role that America has played in supporting Europe's defence and security and of the need to engage fully with the American Administration. That is what we are doing and what I encourage others to do.

Emma Reynolds (Wolverhampton North East) (Lab): I welcome what the Prime Minister said about the importance of maintaining the sanctions regime on Russia in response to its actions in Ukraine. Will she reassure the House that we will, where necessary, continue to agree such sanctions with our European partners once we leave the European Union?

The Prime Minister: I reassure the hon. Lady that as long we are members of the European Union we will continue to encourage other member states to maintain the sanctions. There are several foreign policy areas, such as on the security of Europe, on which we will want to co-operate in future with our European Union partners. Once we are outside the EU, we will not have a vote around the table on the sanctions regime, but we will continue to make our views clear.

Michael Fabricant (Lichfield) (Con): Contrary to the rather negative comments from the Labour party, was my right hon. Friend yet again heartened by Germany? Over the weekend, German Finance Minister Wolfgang Schäuble said in *Der Tagesspiegel* that there is no question of the United Kingdom being punished for leaving the European Union and that London remains the heart of the global finance industry. What influence does my right hon. Friend think Germany will have over the negotiations?

Mr Speaker: I am greatly impressed by the range of the hon. Gentleman's reading matter.

Michael Fabricant: Vielen Dank!

The Prime Minister: I was aware of Wolfgang Schäuble's comments—although I cannot claim to have read that particular publication—and it was an important point. As we move forward towards the triggering of the negotiations, we are now seeing a genuine willingness on both sides to discuss the future EU-UK relationship—the new partnership that we want—and a recognition of the role that the UK plays in Europe. Of course, Germany will be one of the remaining 27 member states, but I look forward to having further conversations with our German counterparts on the importance that they place on the City of London and the UK's trading relationship with Europe.

Mr Pat McFadden (Wolverhampton South East) (Lab): The Prime Minister has guaranteed Parliament a vote on the final deal between the UK and the EU. Will she confirm that that commitment applies both to the article 50 divorce negotiations and to the free trade agreement that she hopes to negotiate? What happens if Parliament says no to the terms of either deal?

The Prime Minister: We see the negotiations not as being separate but as going together. The arrangement that we aim to negotiate is a deal that will cover both the exit arrangements and the future free trade agreement that we will have the European Union. I have every confidence that we will be able to get a good deal agreed with the EU in relation to both those matters, including our future co-operation not just on trade but on other matters, and will be able to bring a good deal here for Parliament to vote on.

Sir Gerald Howarth (Aldershot) (Con): I must confess that I am still reeling from the novelty of the right hon. Member for Islington North (Jeremy Corbyn) advocating increased defence expenditure. I warmly welcome him to the clan—we will not tell the Stop the War coalition about his newfound enthusiasm.

The sooner we can give EU residents here the reassurance that they seek, the better. Will the Prime Minister tell us which of our EU partners are so reluctant to offer reciprocal rights to Her Majesty's subjects who reside in their countries?

The Prime Minister: I think the whole House was somewhat surprised by the Leader of the Opposition's contribution in relation to defence spending, but we will wait to see whether that is followed up by commitments in other debates.

On the question of EU nationals, I absolutely agree with my hon. Friend that it is important that we give that reassurance as early as possible. It is not a question of not offering reciprocal rights; it is that some member states did not want to negotiate part of what they saw as the fuller negotiations until article 50 has been triggered. It is article 50 that will trigger our ability to discuss the matter.

Mr Nigel Dodds (Belfast North) (DUP): May I associate my right hon. and hon. Friends with the Prime Minister's warm words of congratulation to Her Majesty the Queen on the occasion of her sapphire jubilee?

Given this country's enormous contribution to the defence of Europe and, indeed, the west generally, and given that we are one of the world's biggest contributors to humanitarian and international aid, may I urge the Prime Minister to use every opportunity in discussions with our European friends and partners to reiterate the need for them also to step up to the plate on both those vital issues, which are just as important as some of the other issues that we are discussing?

The Prime Minister: The right hon. Gentleman is absolutely right, and I give the commitment that I will continue to express to my European colleagues the importance of their actually stepping up to the plate and spending the requisite amount of money on defence. It is important that Europe shows that commitment.

Mrs Cheryl Gillan (Chesham and Amersham) (Con): I welcome the Prime Minister's statement on the informal Council. In particular, I welcome the £30 million-worth of new aid for refugees. With recent reports of children, in particular, returning to the Jungle camp area in Calais, did she have an opportunity to discuss it with her French counterpart? What more can be done to prevent children from returning to that area in the false hope of expecting to come to the UK?

The Prime Minister: My right hon. Friend raises an important issue, and today I asked the Home Office to look at the particular concern that people, including children, are now returning to the camps at Calais. Obviously, the action that will be taken within France is a matter for the French Government, who share the concern about the possibility of migrants returning to the camps at Calais. Obviously, the French Government have already acted in relation to that matter. We will continue to operate the schemes that we have been operating, working with the French Government, to ensure that those who have a right to be in the United Kingdom are able to come here.

Ms Tasmina Ahmed-Sheikh (Ochil and South Perthshire) (SNP): What discussions did the Prime Minister have in Malta on trade deals? She will of course be aware that all Members of the European Parliament will be able to vote on the EU-Canada trade deal, but her Government have gone back on their promise to hold a debate on the Floor of the House. Given the prominence given to the comprehensive economic and trade agreement in her very brief Brexit White Paper as an example of what we can expect from future trade deals, why are the Government running so scared of parliamentary scrutiny? This Government are not about taking back control for the people of the whole country; they are about taking back control for themselves.

The Prime Minister: The CETA deal, as I understand it, will be discussed today in European Committee B, of which the hon. Lady is a member. She will therefore be able to contribute to that debate.

Sir Edward Leigh (Gainsborough) (Con): Further to the question asked by my hon. Friend the Member for Aldershot (Sir Gerald Howarth) on the issue of acquired rights, which countries are standing out against an immediate deal based on reciprocity before the start of Brexit negotiations? Do those countries include Germany?

The Prime Minister: As I said to my hon. Friend the Member for Aldershot (Sir Gerald Howarth), the issue is whether that should be part of the formal negotiations. It has been made clear that there are those who believe it should be part of the negotiations, and therefore we will be able to consider this issue with our European colleagues once article 50 has been triggered.

Mr Ben Bradshaw (Exeter) (Lab): What did the Prime Minister say to her fellow European leaders about her assessment of the Trump-Putin relationship, and specifically about Russian interference in western democracies, including our own?

The Prime Minister: Concern has been expressed both at this Council meeting and at others about the role that Russia is playing, in a number of ways, with its interference.

Emily Thornberry (Islington South and Finsbury) (Lab): By you?

The Prime Minister: Yes, Lady Nugee, by me. It is a matter of continuing concern and will remain a subject of discussion.

Geoffrey Clifton-Brown (The Cotswolds) (Con): Does my right hon. Friend think that, in her discussions with our 27 EU partners, we will be able to negotiate a reciprocal right for EU citizens living here and for British citizens living abroad sooner than the two-year limit set by article 50?

The Prime Minister: What I want to see is an agreement about the position of EU citizens and UK citizens at an early part of the negotiations, so that we can give them that reassurance up front and so that it will not be necessary to keep that agreement with the other 27 member states as part of the final deal. We need to have that up front at an early stage, so that we can give people the reassurance that they not only need but deserve.

Alex Salmond (Gordon) (SNP): On 15 July last year, the Prime Minister pledged that she would not trigger article 50 until she had an agreed "UK approach" backed by the devolved Administrations. Does she intend to keep her word?

The Prime Minister: I have been very clear: we are having a number of engagements with the various devolved Administrations, taking their issues into account. We are currently, as we agreed at the last Joint Ministerial Committee plenary session, intensifying the discussions with the Scottish Government on the issues raised in the Scottish White Paper. The decision to trigger article 50 is one that this House has been very clear should be taken. This House voted overwhelmingly on Second Reading that that should be the step we take, and we will be doing so on behalf of the UK.

Several hon. Members *rose*—

Mr Speaker: I call Sir Desmond Swayne. [*Interruption.*] He is a very good-natured fellow but he was chuntering at me at precisely the wrong moment. We will forgive him. I thought he was standing—

Sir Desmond Swayne (New Forest West) (Con): I was about to go to an appointment, Mr Speaker.

Mr Speaker: The right hon. Gentleman now has the opportunity of an appointment with the House. I would be astonished if he has no view to express—it would be a first!

Sir Desmond Swayne: Unsought though it is, I am delighted to have the opportunity to ask: has there been any discussion hitherto about the assets of the European Union to which we might have some claim after 40 years of being a major contributor?

The Prime Minister: I can assure my right hon. Friend that in looking at the future negotiations, we will be looking at every angle of the relationship with the European Union.

Keith Vaz (Leicester East) (Lab): May I welcome the €200 million that has been pledged for the Mediterranean crisis? As the right hon. Lady knows, 3,800 people have travelled from Libya to Italy since 1 January. I ask her to be very careful with regard to the Libyan coastguard, because there is strong evidence that it is working with people smugglers to allow these boats to leave Libyan waters. How much of that money will actually be used to counter the work of the criminal gangs?

The Prime Minister: The work we are doing with the Libyan coastguard is of course about training its people to be able to do the job that we all expect them to do and that many of them want to be able to do. Separately from that, we will be working to enhance our ability to work across borders and through international agreements, using things such as joint investigation teams, to ensure that we are catching these criminal gangs. We have put some extra effort into this. I think we have to put even more effort into it in the future.

Sir Julian Brazier (Canterbury) (Con): I welcome this statement and, in particular, my right hon. Friend's comments about refugees. Does she agree that the work we are doing, both through our development budget and through our armed forces, to underpin the fragile states of Lebanon and Jordan is absolutely pivotal and is vastly more than is being done by the rest of Europe?

The Prime Minister: My hon. Friend makes a very important point about the support we have given. We took a very simple view that we can support more people who have fled from Syria by giving them humanitarian aid and support in the region than we can by bringing them to the UK. We will be bringing, and are bringing, vulnerable people—in particular, vulnerable Syrian refugees—here to the UK, but we continue to believe, as the second biggest bilateral donor to the region, that this is important as well. I continue to commend the work of Turkey, Lebanon and Jordan in the support that they are giving to the significant number of refugees they are supporting.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): Given President Trump's talk about renegotiating the Iran nuclear deal, did the Prime Minister have any opportunity to discuss, particularly with her French and German counterparts, how we would respond should the President pursue this rather foolish route?

The Prime Minister: We continue to believe that the Iran nuclear deal was an important step forward and an important contribution to stability in the region. We continue to support it.

Alberto Costa (South Leicestershire) (Con): I welcome the Prime Minister's statement. Mr Speaker, you will know that the status of EU nationals affects not only some of my constituents but my family and friends personally. The Prime Minister has given me, this House and the country her personal guarantee that she will seek an early agreement on this issue. I am putting my entire trust in the Prime Minister to honour that promise. Getting an early agreement will, in my opinion, be a decisive mark of her negotiating skills and leadership qualities as our Prime Minister.

The Prime Minister: I thank my hon. Friend for the trust he is placing in me. I reassure him not only of my good intentions in this matter but of the number of my European colleagues to whom I have spoken about this issue who also recognise its importance, not only for UK citizens living in their countries but for their citizens living here in the United Kingdom. We all want to be able to give that reassurance to people at an early stage.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): On Russia, the Prime Minister made a big point about the fact that she was communicating with our European counterparts about President Trump's intentions on sanctions. Over the weekend, though, President Trump made a series of bizarre statements about relations with Russia, leading one Republican senator to say:

"I don't understand what the President's position is on Russia". Does the Prime Minister understand what it is, and has she communicated that to our European partners?

The Prime Minister: From the discussions I have had so far, I think all the indications are that President Trump feels the need and wants to engage more with Russia than has happened in the past. When I spoke to the Republican party in Philadelphia, the message I gave was that I think it is right to engage, but my message in relation to Russia is to engage, but beware.

Rehman Chishti (Gillingham and Rainham) (Con): I very much welcome the Prime Minister's statement. Paragraph 4 of the conclusions talks about tackling radicalisation, extremism and terrorism in Libya. Recent reports from the United States say that there are 6,000 Daesh militants in Libya; is that figure correct? How effectively are the Government of National Accord, which is the organisation we support, and the organisation led by General Haftar working to defeat Daesh?

The Prime Minister: Obviously we are doing all we can and working with all parties that we can in relation to the defeat of Daesh. My hon. Friend understands the issue very well. He will know that while steps are being taken in other places—for example, in Iraq—to take military action against Daesh and to have an impact on it there, it is important that we do not see it able to regroup and come forward in other parts of the world where perhaps there is a vacuum that would enable it to do that. As he mentioned, underlying it all is the fact that we need to deal with the ideology. It is not just about the people at the moment; it is about dealing with the ideology. That is where the work to deal with radicalisation is so important.

Chris Leslie (Nottingham East) (Lab/Co-op): Will the Prime Minister answer part of the question on which my right hon. Friend the Member for Wolverhampton South East (Mr McFadden) pressed her? Will she confirm that Parliament must give its consent in advance to whatever the new proposed relationship will be, deal or no deal?

The Prime Minister: I have been very clear that Parliament will have a vote on the deal. This is a matter that is going to be discussed in some detail tomorrow, when the Secretary of State for Exiting the European Union will be able to set out in more detail than in response to a single question what the situation will be.

Robert Jenrick (Newark) (Con): Further to the question asked by the right hon. Member for Birmingham, Edgbaston (Ms Stuart), I am sure the Prime Minister shares my concern about Iran's ballistic and cruise missile tests on 29 January. What discussions did she have with European partners about how we can work with the Trump Administration to preserve and, if anything, strengthen the Iranian nuclear deal?

The Prime Minister: My hon. Friend is right to raise concerns about the ballistic missile tests that took place. The overwhelming message that we took from the informal Council in relation to working with America on a number of issues, including not only Russia and Ukraine but Iran, was that it is important for us to engage directly with the American Administration on these matters and, obviously, make clear the positions that we hold in Europe.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): According to press reports, the Prime Minister's master plan of being a post-Brexit bridge between Europe and the US was not well received. Does she really think it is in the interests of the British state to be increasingly isolated from Europe and in the hands of a President who is taking the United States on a very dangerous journey?

The Prime Minister: I have made it clear in a number of my responses today that it is important that the United States and Europe work together and co-operate on the many challenges that we share.

Charlie Elphicke (Dover) (Con): Does my right hon. Friend not agree that, while it is welcome that the Calais Jungle was dismantled last autumn and that this country did the right thing by vulnerable children, it is very important that we work with the French to prevent the exploitation of children, target the traffickers, and, in order to ensure that the Jungle does not reappear this spring, take full action before the first tent is pitched?

The Prime Minister: My hon. Friend is absolutely right. With his particular constituency interest, he is very aware of the issues around migrants being in the camp at Calais and the pressure that that puts on Dover, particularly when people are trying to get through to the United Kingdom. We will make every effort to work with the French Government to ensure that we do not see a return to the sort of camps that we saw last year in Calais before they were cleared.

Kate Hoey (Vauxhall) (Lab): Is the Prime Minister disappointed that the mantra of nothing will be agreed until everything is agreed has been adopted as far as EU citizens in all our countries are concerned? Is it not possible for her to have an informal letter with the Prime Ministers of Spain and France to agree informally, as soon as it is technically possible after the start of article 50 negotiations, to bring in that reciprocity?

The Prime Minister: It is not the case that people are saying that, in this particular issue, it can only be agreed at the end of the deal when everything else is agreed. What they have said is that they do not believe that negotiations and discussions on it should not start until article 50 has triggered the formal negotiations. I have

every expectation, from the good will that I have seen from others, that it will be possible to get an early agreement on this matter to give people the reassurance that they need.

Bill Wiggin (North Herefordshire) (Con): May I thank the Prime Minister on behalf of my constituents for raising the 2% defence spending issue, because it makes them safer? If the Greeks can do it, why can't the rest?

The Prime Minister: My hon. Friend is absolutely right. The four member states who do it are the United Kingdom, Greece, Poland and Estonia. I am pleased to say that some of the rest are making every effort to do it as well, and are progressing well towards the 2% target.

Several hon. Members *rose*—

Mr Speaker: Order. I remember as a Back Bencher in Department of Trade and Industry questions that the hon. Member for Ilford South (Mike Gapes) had No. 1, and I rather irreverently called out, "Get in there, Gapes." Now is his opportunity. I call Mr Mike Gapes.

Mike Gapes (Ilford South) (Lab/Co-op): Thank you, Mr Speaker. The Prime Minister has referred to her meeting with President Trump, but she has not mentioned her meeting with President Erdogan. Did she take the opportunity to inform other European Union leaders about those discussions, the 3 million Syrian refugees that Turkey is having to take and the support, or lack of it, that President Erdogan feels has come from the EU so far? Did she also discuss with them the customs union, of which Turkey is a member?

The Prime Minister: As we were discussing the issue of migration, I was able to make reference to the EU-Turkey deal—indeed, a number of references were made to it—which has seen the number of migrants moving from Turkey to Greece being reduced significantly. When I was in Turkey, I commended the Turkish Government for the support that they have given to the 3 million refugees who are in Turkey.

Ben Howlett (Bath) (Con): I warmly welcome this Government's commitment regularly to come before this House to update Members on the progress of EU-UK negotiations. Does my right hon. Friend agree that the European Council statements are a perfect opportunity to update the House on the Prime Minister's negotiations with EU national leaders after we trigger article 50?

The Prime Minister: The EU Council statements are given in response to business that is done at the EU Council. I can assure my hon. Friend that there will be every opportunity for Parliament to be kept informed as we go through this process. There have already been 70 debates or statements on this issue in Parliament and 30 reviews by different parliamentary Committees on different aspects of Brexit. I think I can say that not a day has gone by since the referendum that this issue has not been discussed in this House in some shape or form.

Alison Thewliss (Glasgow Central) (SNP): Annette Street Primary School in my constituency is wonderfully diverse, as many new Scots have made Glasgow their home. Saqib from Annette Street says:

“There are lots of children from Annette Street that are from Europe. We want to know if they will have to leave or not.”

Saying “as soon as possible” is not a good enough answer for Saqib, Prime Minister. When we will actually know whether these children will get to stay in Scotland?

The Prime Minister: I repeat the answer that I have given to others: I expect to be able to deal with this issue in relation to those who are from the European Union and living here in the United Kingdom at an early stage in the negotiations. There is good will on all sides to be able to address the issue when the negotiations have been triggered because everybody understands the concern that people have about their future.

Mr Andrew Turner (Isle of Wight) (Con): Might I ask the Prime Minister which are more important—Europeans in Britain or Brits in the EU?

The Prime Minister: It is not a question of which are more important. We recognise that there are people from European Union member states who have made their lives—for some, over a significant period of time—here in the United Kingdom. I also recognise that there are UK citizens who have made their lives in other European Union member states. I want all those people to be able to carry on living where they choose to live in the security of knowing that their future is determined and that the choice is up to them. I want to ensure that that opportunity and reassurance are given to all those people, and I hope and expect that we will be able to do that at an early stage of the negotiations.

Helen Goodman (Bishop Auckland) (Lab): The Prime Minister said that the other European Union member states welcomed the clarity of her objectives. Did she have any discussion with them about the realism of completing the substantive negotiations within 18 months?

The Prime Minister: I have every expectation—indeed, a number of comments have been made by others around Europe about the importance of ensuring this—that we can do this deal and complete these negotiations within the timescale set.

Heidi Allen (South Cambridgeshire) (Con): I can see that the Prime Minister is genuinely and sincerely disappointed not to have been able to reassure EU citizens ahead of the formal negotiations. In the light of the rapidly shifting landscape—for example, Trump’s divisive immigration policies and how that situation is making people in this country feel—if the deal with fellow nations is not done as early in the negotiation period as the Prime Minister would like, will she review it again and look at a unilateral agreement for those EU citizens?

The Prime Minister: I recognise the concern that my hon. Friend has shown for some considerable time on the position of EU citizens living here in the United Kingdom. I have every expectation, given the responses that I have had so far from other member states, that we will indeed be able to get that reassurance at an early stage. I want and intend to be able to reassure people

from other EU member states who are living here in the United Kingdom, and I have every expectation that we will be able to get that reassurance at an early stage of the negotiations.

Stella Creasy (Walthamstow) (Lab/Co-op): In the Prime Minister’s Lancaster House speech, she put on her wish list an entirely new form of membership of the customs union: an associate membership. Did she raise the idea with the other members of the European Council this weekend, and quite what did they make of it?

The Prime Minister: What I actually did in my Lancaster House speech was to say that I had not come to a firm decision as to whether the future relationship should be an associate membership or some other sort of relationship with the customs union. I was clear that we need to be able to negotiate trade deals with other countries around the world.

Matt Warman (Boston and Skegness) (Con): My constituency contains proportionately more EU nationals than any other, and they say two things to me—that they deeply want their rights in this country to be reassured, and that they understand that it is vital that this country is the kind of country that also stands up for the interests of its citizens abroad. Does the Prime Minister agree that this is a test of national character and that although the politics may be hard, it is the only option we can reasonably pursue?

The Prime Minister: My hon. Friend is right. We should be clear that we have a duty to consider UK citizens who have chosen to make their life outside the UK and live in other European Union member states, as well as having a duty to consider EU citizens living here in the United Kingdom. That is why I expect that we will, at an early stage, be able to give reassurance to both.

Tom Brake (Carshalton and Wallington) (LD): With how many EU leaders at this Council or earlier Councils since 23 June did the Prime Minister discuss the UK staying in the single market post-Brexit?

The Prime Minister: What I have been clear about with all the European leaders I have spoken to is that what we want when we leave the European Union is a good free trade arrangement with the member states of the European Union, in the form of the European Union. That is what we want, and that is what we will be working for.

Owen Smith (Pontypridd) (Lab): The summit began with the German Chancellor admonishing the Prime Minister for the threat to undercut our European neighbours—the alternative economic model the Prime Minister talked about at Lancaster House. Could she confirm that she is still threatening to cut corporation tax in a race to the bottom, and could she tell us whether she is worried that the manner of the negotiations is damaging our reputation abroad?

The Prime Minister: What I set out in the Lancaster House speech were my 12 objectives for the negotiations. Within that was a new free trade agreement with the European Union and a belief that we have every opportunity and every possibility of getting the arrangement that we want for the future strength of the UK economy.

What I also said very clearly was that we would not be wanting to sign up to a bad deal for the UK. I think the UK public want to hear from their Prime Minister that we are not willing to sign up to a bad deal, and will make every effort and expect to get the best deal possible for the United Kingdom.

Tom Tugendhat (Tonbridge and Malling) (Con) *rose*—

Mr Speaker: Order. Was the hon. Member for Tonbridge and Malling present at the start of the statement?

Tom Tugendhat: Absolutely.

Mr Speaker: And he has remained throughout?

Tom Tugendhat: Absolutely, Mr Speaker.

Mr Speaker: Then he may speak.

Tom Tugendhat: Thank you, Mr Speaker.

Would my right hon. Friend confirm that the UK is absolutely at the heart of Europe in defence terms? Did she get agreement from partners at the European Council that our alliance with countries such as Denmark and Estonia very much demonstrates that we are far more influential in some of the other areas of European policy than is often recognised?

The Prime Minister: My hon. Friend makes a very important point. Of course, the role that the UK plays in the defence of Europe as a whole is recognised widely across Europe, and I have been very clear that we want to continue to co-operate on matters such as defence with our European allies once we have left the EU.

Roger Mullin (Kirkcaldy and Cowdenbeath) (SNP): The Prime Minister indicated that she speaks on behalf of the whole United Kingdom, which she will know is a differentiated Union, with Scotland having its own legal and education system. What issues, therefore, did she specifically raise in relation to Scotland's requirements?

The Prime Minister: I hate to disappoint the hon. Gentleman, but the answer I will give him is the same answer that I gave earlier: when I go into the European Council, and when we go into these negotiations, the European Union will be negotiating with the UK, and the Government will be negotiating on behalf of the whole of the United Kingdom.

Mr David Hanson (Delyn) (Lab): The Prime Minister rightly mentioned people trafficking and sexual exploitation in her statement. Did she give any reassurances, or did she get any reassurances from her European partners, on the UK's continued membership of the means of exchanging information, such as Europol?

The Prime Minister: As I think the right hon. Gentleman knows, that will be a matter, of course, for the negotiations, but as I said in my Lancaster House speech, one of the objectives that we will set is our continuing co-operation on justice and security matters.

Margaret Ferrier (Rutherglen and Hamilton West) (SNP): It has been reported that, at the EU Council meeting on Friday, Angela Merkel, among other leaders, was less than impressed with the Prime Minister's threat to turn the UK into a tax haven. Can the Prime Minister outline exactly what her EU counterparts said to her regarding that and whether she intends to take that threat off the table?

The Prime Minister: As I said in response to an earlier question on this matter, what I have done is very clearly to set out—I think it is absolutely right, and this clarity has been welcomed by other European leaders—that we expect to get a good deal in our negotiations with the European Union, and that includes a good deal on a free trade agreement, and we will not be prepared to sign up to a bad deal.

Kevin Brennan (Cardiff West) (Lab): My constituents Mr and Mrs Regan came to see me on Saturday about their son, who has a Greek wife and who lives and works in the middle east. After Brexit, they plan to come and live in the UK. Will their daughter-in-law have to apply for a settlement visa? I said I could not answer that question and that I would ask someone who could, so could the Prime Minister answer it for me?

The Prime Minister: I take it from the hon. Gentleman's question that he is talking about somebody who is currently living outside the United Kingdom. The arrangements in relation to the movement of EU citizens into the UK from elsewhere after Brexit are, of course, matters that the Home Office is currently looking at, and they will be subject to discussion by Parliament.

Carol Monaghan (Glasgow North West) (SNP): I welcome the Prime Minister's statement on the importance of EU nationals, but does she understand the damage that is caused when we continue to use EU nationals, including those working in highly skilled areas and STEM—science, technology, engineering and maths—businesses, as bargaining chips in our negotiations?

The Prime Minister: We want to be able to provide reassurance to people who are EU citizens living here in the UK, and to provide that reassurance also to EU citizens living elsewhere in Europe. I remind the hon. Lady that during the Scottish independence referendum the First Minister told EU nationals that they would lose the right to stay here if the—[*Interruption.*]

Mr Speaker: Order. All this finger-wagging at the Prime Minister is rather unseemly. It does not constitute statesmanship of the highest order. The question has been asked, the Prime Minister is going to answer, and that answer must be heard with courtesy.

The Prime Minister: The First Minister said that they would lose the right to stay here if the EU did not allow an independent Scotland to rejoin, and of course the EU made it very clear that Scotland could not consider that it was going to get automatic membership of the European Union.

Christian Matheson (City of Chester) (Lab): Were there any discussions at the Council about reports of the likely appointment by President Trump of Mr Ted Malloch as his ambassador to the European Union?

[*Christian Matheson*]

Would such an appointment cause concern to the Prime Minister, since Mr Malloch has reportedly likened the European Union to the Soviet Union?

The Prime Minister: I have been very clear that it is in the interests of the UK to have a continuing strong European Union, and that is a point that I have made to the American Administration.

Alan Brown (Kilmarnock and Loudoun) (SNP): My wife is an EU national, and unlike the hon. Member for South Leicestershire (Alberto Costa), neither she nor I have any faith in this Government doing the right thing unless we see actions on the rights of EU nationals rather than so-called warm words. If the Prime Minister sees herself as a leader, why does she not confirm the rights of EU nationals? That would also send a positive message to UK citizens living in other EU countries rather than their having to be a bargaining chip.

The Prime Minister: I have been very clear about my intentions in relation to EU nationals living here in the United Kingdom, but it is only right and proper that the United Kingdom Government should also have a care for the UK citizens living in the European Union.

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): At the summit the Prime Minister announced support to allow up to 22,000 people to reunite with family members they have become separated from during their journey. Can she say a little more about what this means in practice and, in particular, whether it includes extra efforts towards reuniting refugees with family members in the United Kingdom?

The Prime Minister: For those who are in member states of the European Union, the Dublin regulations obviously allow for reuniting families under certain circumstances. That is something we have been actively

working on. Over the past year or so, we have actively worked with the French Government to increase the speed at which we are able to reunite children with families here in the United Kingdom, and we continue to do so.

Gavin Newlands (Paisley and Renfrewshire North) (SNP): We are constantly told by Ministers at the Dispatch Box that they are maintaining close relationships with countries that have dubious human rights records, allowing us to speak to those regimes as only friends can. Can the Prime Minister therefore tell us, given our extra-special, super-duper relationship with the US, what particular home truths on Trump's outrageous plans she delivered on our behalf?

The Prime Minister: I was very clear about the UK's position on a whole range of issues that we wish to discuss with the United States Administration. It was the special relationship that enabled us very quickly to ensure that UK citizens were not covered by the ban and the Executive order that President Trump brought into place in relation to the movement of people from seven countries into the United States.

Richard Drax (South Dorset) (Con): May I entirely concur with my right hon. Friend's comments so far as the Queen is concerned, and add my congratulations to Her Majesty? I wonder whether any EU leader said to my right hon. Friend during her meeting how envious they are of having such a wonderful Head of State.

The Prime Minister: I seriously say to my hon. Friend that I regularly hear comments from other leaders, not just in Europe but in other parts of the world, about how impressive Her Majesty the Queen is, about her dedication to this country, and about how lucky we are to have her as our Head of State.

Points of Order

4.44 pm

Emily Thornberry (Islington South and Finsbury) (Lab): On a point of order, Mr Speaker. First, is it in order for the Prime Minister to refer to a Member of this House not by her own name, but by the name of her husband? Secondly, for the record, I have never been a lady, and it will take a great deal more than being married to a knight of the realm to make me one.

The Prime Minister (Mrs Theresa May): Further to that point of order, Mr Speaker. I did not in any way intend to be disorderly in this House, and if the hon. Lady is concerned about the reference that I made to her, of course I will apologise for that. I have to say to her, though, that for the last 36 years I have been referred to by my husband's name. [*Interruption.*]

Mr Speaker: Order. No sedentary shrieking from the hon. Member for Rhondda (Chris Bryant) is required. I have the matter in hand. Two points, very simply: first of all, I thank the Prime Minister for what she has just said. Secondly, in so far as there is any uncertainty on this matter, let me dispel that uncertainty. I do so from my own knowledge and on the professional advice of the Clerk. We refer in this Chamber to Members by their constituencies or, if they have a title—for example, shadow Minister—by their title. To refer to them by another name is not the right thing to do. But the Prime Minister has said what she has said, and I thank her for that. We will leave this matter there.

Geoffrey Clifton-Brown (The Cotswolds) (Con): On a point of order, Mr Speaker. With great respect to your statement at the beginning of our proceedings, on behalf of the Commission, that the dress and composition of the Clerks sitting in this House should change forthwith after the recess, may I urge you to reconsider this and to consider whether the whole House ought to have an opportunity to address the matter before it is enacted?

Sir Gerald Howarth (Aldershot) (Con) *rose*—

Mr Speaker: Order. I will come to the hon. Member for Aldershot (Sir Gerald Howarth) in a moment. First of all, in answer to the hon. Member for The Cotswolds (Geoffrey Clifton-Brown), let me say this. There are two elements to the announcement that I made at the start of proceedings. First, I referred to an extension of the range of people working within the Department of Chamber and Committee Services who should have the opportunity to serve at the Table in the Chamber. That constitutes an extension. In 2012, I introduced, with the agreement and co-operation of the Clerks' department, a scheme that would give young and rising Clerks, who might otherwise have had to wait several years to serve at the Table, the opportunity to do so, being mentored in the process. So the first point I want to make to the hon. Gentleman—I do not know whether he will agree with it, but I hope that it will contribute to the quality of the debate—is that I am merely extending a scheme that was introduced some years ago, which has done no harm to the House; which has not been objected to, to my knowledge, by any Member of the House, including the hon. Gentleman; and which has, in fact, been beneficial.

Secondly, on the matter of wigs, with which I think the hon. Gentleman is, at least in part, preoccupied, I say this to him. If he believes that the time of the House, either in the Chamber or in Westminster Hall, would be well spent by discussing this matter, he knows the avenues that are open to him.

Sir Gerald Howarth: Further to that point of order, Mr Speaker. I agree entirely with my hon. Friend the Member for The Cotswolds (Geoffrey Clifton-Brown). I was taken by surprise by your statement, which had the appearance—I hope that you will not misunderstand me—of an executive order. I was slightly surprised by that, for I had discussed the matter with the Clerk, who had done me the enormous courtesy of asking my view. I had declared informally that I thought that it was sensible to continue, because this is the High Court of Parliament, and I do think that the Clerks, dressed as they are, add to the dignity of the House. Some of us are not always capable of enhancing that, but the Clerks do so.

I have just read the letter from the Clerk of the House to the Chairman of the Select Committee on Procedure, in which he writes:

“Wigs have been worn by the Clerks at the Table for several centuries”.

So why change? The Clerk of the House states that some people take the view

“that the image they convey to those watching proceedings live or on television is of quaintness and of a chilling and antique formality”.

No constituent in Aldershot has ever expressed that view to me, and I think it would be appropriate, at some point, that we should discuss this rather than having an executive order.

Mr Speaker: First, I thank the hon. Gentleman and, indeed, the hon. Member for The Cotswolds not just for raising their concerns, which they are perfectly entitled to do, but for their courtesy in giving me advance notice of their intention to do so.

I say, with courtesy and on advice, to the hon. Member for Aldershot (Sir Gerald Howarth)—and this is relevant to any response to the hon. Member for The Cotswolds—that this is a matter that can properly be decided by the Speaker. I thought it proper to consult my colleagues on the House of Commons Commission, the strategic governing body of the House, and I must tell both hon. Gentlemen that the House of Commons Commission agreed without objection to the two changes: the extension of those who serve at the Table and the removal of wigs.

Beyond that, I would say to the hon. Member for Aldershot—I tease him a tad here—that my understanding from one who has considerable knowledge and expertise in these matters is that, although certainly during the past couple of hundred years it has been the norm for Clerks serving at the Table to wear wigs, if he goes back some several centuries, which is normally an enjoyable sport to the hon. Gentleman, he will find that in fact Clerks did not wear wigs.

The final point I make to the hon. Member for Aldershot is that it was not an executive order; it was a request from the Clerks themselves, to which I and the members of the House of Commons Commission agreed. People are entitled to their views about it, but the idea

[Mr Speaker]

that this was something I dreamed up and sought to impose against the will of the Clerks is 100% wrong. The hon. Gentleman might give the Clerk of the House some credit. The Clerk is open to constructive reform, and he has been the champion of it in this case.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): On a point of order, Mr Speaker. Have you noted the deep concern expressed by Members from both sides of the House—the 170 who have signed early-day motion 890, and those who do not sign EDMs but have made their views known publicly during the past week—regarding offering the honour of a speech to both Houses of Parliament in Westminster Hall or, indeed, elsewhere in the Palace of Westminster? Will you tell us what approaches have been made to you, what discussions have taken place with the relevant authorities—the keyholders—for such an approach to go ahead, and whether there are any ways in which those of us who have deep concerns about President Trump’s comments can make that known to the responsible authorities?

Mr Speaker: I am grateful to the hon. Gentleman for his point of order. I will say this: an address by a foreign leader to both Houses of Parliament is not an automatic right; it is an earned honour. Moreover, there are many precedents for state visits to take place in our country that do not include an address to both Houses of Parliament. That is the first point.

The second point is that in relation to Westminster Hall, there are three keyholders—the Speaker of the House of Commons, the Lord Speaker of the House of the Lords and the Lord Great Chamberlain. Ordinarily, we are able to work by consensus, and

the Hall would be used for a purpose, such as an address or another purpose, by agreement of the three keyholders.

I must say to the hon. Gentleman, to all who have signed his early-day motion and to others with strong views about this matter on either side of the argument that before the imposition of the migrant ban, I would myself have been strongly opposed to an address by President Trump in Westminster Hall, but after the imposition of the migrant ban by President Trump, I am even more strongly opposed to an address by President Trump in Westminster Hall.

So far as the Royal Gallery is concerned—again, I operate on advice—I perhaps do not have as strong a say in that matter. It is in a different part of the building, although customarily an invitation to a visiting leader to deliver an address there would be issued in the names of the two Speakers. I would not wish to issue an invitation to President Trump to speak in the Royal Gallery.

I conclude by saying to the hon. Gentleman that we value our relationship with the United States. If a state visit takes place, that is way beyond and above the pay grade of the Speaker. However, as far as this place is concerned, I feel very strongly that our opposition to racism and to sexism, and our support for equality before the law and an independent judiciary are hugely important considerations in the House of Commons.
[Applause.]

Mr Dennis Skinner (Bolsover) (Lab): Further to that point of order, Mr Speaker. Two words: well done.
[Interruption.]

Mr Speaker: No, we should not have clapping in the Chamber, but sometimes it is easier to let it go than to make a huge fuss about it.

European Union (Notification of Withdrawal) Bill

[1ST ALLOCATED DAY]

Considered in Committee

[MRS ELEANOR LAING *in the Chair*]

New Clause 3

PARLIAMENTARY OVERSIGHT OF NEGOTIATIONS

“Before issuing any notification under Article 50(2) of the Treaty on European Union the Prime Minister shall give an undertaking to—

- (a) lay before each House of Parliament periodic reports, at intervals of no more than two months on the progress of the negotiations under Article 50 of the Treaty on European Union;
- (b) lay before each House of Parliament as soon as reasonably practicable a copy in English of any document which the European Council or the European Commission has provided to the European Parliament or any committee of the European Parliament relating to the negotiations;
- (c) make arrangements for Parliamentary scrutiny of confidential documents.”—(*Matthew Pennycook.*)

This new clause establishes powers through which the UK Parliament can scrutinise the UK Government throughout the negotiations.

Brought up, and read the First time.

4.57 pm

Matthew Pennycook (Greenwich and Woolwich) (Lab): I beg to move, That the clause be read a Second time.

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): With this it will be convenient to discuss the following:

New clause 20—*Financial services—reports—*

“As from the day on which this Act comes into force the Secretary of State shall, at least once in every six months, lay before Parliament a report stating what, if any, steps are being taken by Her Majesty’s Government to defend and promote the access to European markets for the UK financial services sector as a consequence of the exercise of the power in section 1.”

This new clause would seek regular reports from Ministers about the impact of withdrawing from the European Union on the UK financial services sector.

New clause 22—*Competition Policy—*

“Following the exercise of the power in section 1, Her Majesty’s Government shall make an annual report to Parliament on its policy regarding state aid, government intervention in industry and fair competition arising from the withdrawal of the United Kingdom from European Union competition regulations.”

This new clause seeks the publication of an annual report from Her Majesty’s Government in respect of the competition policy consequences of withdrawal from the European Union.

New clause 29—*Reporting to Parliament—*

“Before exercising the power under section 1, the Prime Minister must undertake to report to Parliament each quarter on her progress in negotiations on Article 50(2) of the Treaty on European Union and Article 218(3) of the Treaty on the Functioning of the European Union.”

This new clause puts a requirement on the Prime Minister for quarterly reporting during the negotiating process.

New clause 51—Approval of White Paper on withdrawal from EU—

“(1) This Act comes into effect after each House of Parliament has approved by resolution the White Paper on withdrawal from the EU.

(2) The White Paper must, in particular, provide information on—

- (a) the nature and extent of any tariffs that will or may be imposed on goods and services from the UK entering the EU and goods and services from the EU entering the UK;
- (b) the terms of proposed trade agreements with the EU or EU Member States, and the expected timeframe for the negotiation and ratification of said trade agreements;
- (c) the proposed status of rights guaranteed by the law of the European Union, including—
 - (i) labour rights,
 - (ii) health and safety at work,
 - (iii) the Working Time Directive,
 - (iv) consumer rights, and
 - (v) environmental standards;
- (d) the proposed status of—
 - (i) EU citizens living in the UK and,
 - (ii) UK citizens living in the EU,
 after the UK has exited the EU;
- (e) estimates as to the impact of the UK leaving the EU on—
 - (i) the balance of trade,
 - (ii) GDP, and
 - (iii) unemployment.”

New clause 56—Notification of withdrawal from the EEA—

“The Prime Minister may not give the notification under section 1 until such time as Parliament has determined whether the UK should also seek to withdraw from the European Economic Area in accordance with Article 127 of the EEA Agreement.”

This new clause would allow for proper parliamentary debate and scrutiny of the United Kingdom’s membership of the Single Market and whether the UK should remain as a member of the European Economic Area prior to the Prime Minister triggering Article 50.

New clause 111—European Police Office (Europol)—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty’s Government in respect of the United Kingdom’s participation in and engagement with the European Police Office (Europol).”

This new clause would seek a report from Her Majesty’s Government on the UK’s participation in and engagement with the European Police Office (Europol) following the UK’s withdrawal from the European Union.

New clause 112—European Chemicals Agency (ECHA)—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty’s Government in respect of the United Kingdom’s participation in and engagement with the European Chemicals Agency (ECHA).”

This new clause would seek a report from Her Majesty’s Government on the UK’s participation in and engagement with the European Chemicals Agency (ECHA) following the UK’s withdrawal from the European Union.

New clause 113—European Centre for Disease Prevention and Control (ECDC)—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty’s Government in respect of the United Kingdom’s participation in and engagement with the European Centre for Disease Prevention and Control (ECDC).”

[The First Deputy Chairman]

This new clause would seek a report from Her Majesty's Government on the UK's participation in and engagement with the European Centre for Disease Prevention and Control (ECDC) following the UK's withdrawal from the European Union.

New clause 114—*Community Plant Variety Office (CPVO)*—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty's Government in respect of the United Kingdom's participation in and engagement with the Community Plant Variety Office (CPVO).”

This new clause would seek a report from Her Majesty's Government on the UK's participation in and engagement with the Community Plant Variety Office (CPVO) following the UK's withdrawal from the European Union.

New clause 115—*European Medicines Agency (EMA)*—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty's Government in respect of the United Kingdom's participation in and engagement with the European Medicines Agency (EMA).”

This new clause would seek a report from Her Majesty's Government on the UK's participation in and engagement with the European Medicines Agency (EMA) following the UK's withdrawal from the European Union.

New clause 116—*European Agency for Health and Safety at Work (EU-OSHA)*—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty's Government in respect of the United Kingdom's participation in and engagement with the European Agency for Health and Safety at Work (EU-OSHA).”

This new clause would seek a report from Her Majesty's Government on the UK's participation in and engagement with the European Agency for Health and Safety at Work (EU-OSHA) following the UK's withdrawal from the European Union.

New clause 117—*European Aviation Safety Agency (EASA)*—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty's Government in respect of the United Kingdom's participation in and engagement with the European Aviation Safety Agency (EASA).”

This new clause would seek a report from Her Majesty's Government on the UK's participation in and engagement with the European Aviation Safety Agency (EASA) following the UK's withdrawal from the European Union.

New clause 118—*European Centre for the Development of Vocational Training (Cedefop)*—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty's Government in respect of the United Kingdom's participation in and engagement with the European Centre for the Development of Vocational Training (Cedefop).”

This new clause would seek a report from Her Majesty's Government on the UK's participation in and engagement with the European Centre for the Development of Vocational Training (Cedefop) following the UK's withdrawal from the European Union.

New clause 119—*European Police College (Cepol)*—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament

setting out the approach to be taken by Her Majesty's Government in respect of the United Kingdom's participation in and engagement with the European Police College (Cepol).”

This new clause would seek a report from Her Majesty's Government on the UK's participation in and engagement with the European Police College (Cepol) following the UK's withdrawal from the European Union.

New clause 120—*European Environment Agency (EEA)*—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty's Government in respect of the United Kingdom's participation in and engagement with the European Environment Agency (EEA).”

This new clause would seek a report from Her Majesty's Government on the UK's participation in and engagement with the European Environment Agency (EEA) following the UK's withdrawal from the European Union.

New clause 121—*European Food Safety Authority (EFSA)*—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty's Government in respect of the United Kingdom's participation in and engagement with the European Food Safety Authority (EFSA).”

This new clause would seek a report from Her Majesty's Government on the UK's participation in and engagement with the European Food Safety Authority (EFSA) following the UK's withdrawal from the European Union.

New clause 122—*European Investment Bank (EIB)*—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty's Government in respect of the United Kingdom's participation in and engagement with the European Investment Bank (EIB).”

This new clause would seek a report from Her Majesty's Government on the UK's participation in and engagement with the European Investment Bank (EIB) following the UK's withdrawal from the European Union.

New clause 123—*Eurojust*—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty's Government in respect of the United Kingdom's participation in and engagement with Eurojust.”

This new clause would seek a report from Her Majesty's Government on the UK's participation in and engagement with the Eurojust following the UK's withdrawal from the European Union.

New clause 124—*European Maritime Safety Agency (EMSA)*—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty's Government in respect of the United Kingdom's participation in and engagement with the European Maritime Safety Agency (EMSA).”

This new clause would seek a report from Her Majesty's Government on the UK's participation in and engagement with the European Maritime Safety Agency (EMSA) following the UK's withdrawal from the European Union.

New clause 125—*European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)*—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty's Government in respect of the United Kingdom's participation in and engagement with the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA).”

This new clause would seek a report from Her Majesty's Government on the UK's participation in and engagement with the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) following the UK's withdrawal from the European Union.

New clause 126—European Union Agency for Fundamental Rights (FRA)—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty's Government in respect of the United Kingdom's participation in and engagement with the European Union Agency for Fundamental Rights (FRA).”

This new clause would seek a report from Her Majesty's Government on the UK's participation in and engagement with the European Union Agency for Fundamental Rights (FRA) following the UK's withdrawal from the European Union.

New clause 127—European Satellite Centre (EUSC)—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty's Government in respect of the United Kingdom's participation in and engagement with the European Satellite Centre (EUSC).”

This new clause would seek a report from Her Majesty's Government on the UK's participation in and engagement with the European Satellite Centre (EUSC) following the UK's withdrawal from the European Union.

New clause 128—Protected designation of origin (PDO) scheme—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty's Government in respect of the United Kingdom's participation in and engagement with the protected designation of origin (PDO) scheme.”

This new clause would seek a report from Her Majesty's Government on the UK's participation in and engagement with the protected designation of origin (PDO) scheme following the UK's withdrawal from the European Union.

New clause 129—Protected geographical indication (PGI) scheme—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty's Government in respect of the United Kingdom's participation in and engagement with the protected geographical indication (PGI) scheme.”

This new clause would seek a report from Her Majesty's Government on the UK's participation in and engagement with the protected geographical indication (PGI) scheme following the UK's withdrawal from the European Union.

New clause 130—Traditional specialities guaranteed (TSG) scheme—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty's Government in respect of the United Kingdom's participation in and engagement with the traditional specialities guaranteed (TSG) scheme.”

This new clause would seek a report from Her Majesty's Government on the UK's participation in and engagement with the traditional specialities guaranteed (TSG) scheme following the UK's withdrawal from the European Union.

New clause 134—Notification of withdrawal from the EEA—

“The Prime Minister may not give the notification at section (1) until such time as a Parliamentary vote has approved the withdrawal of the UK from the European Economic Area in accordance with Article 127 of the EEA Agreement.”

New clause 136—Approval of report on withdrawal from EU—

“(1) This Act comes into effect after each House of Parliament has approved by resolution the report on withdrawal from the EU.

(2) The report must, in particular, provide information on—

(a) EU citizens living in the UK and,

(b) UK citizens living in the EU, after the UK has exited the EU.”

New clause 151—Renewables—reports—

“As from the day on which this Act comes into force the Secretary of State shall, at least once in every six months, lay before Parliament a report stating what, if any, steps are being taken by Her Majesty's Government to defend and promote the access to European markets for the UK renewables sector as a consequence of the exercise of the power in section 1.”

This new clause would seek regular reports from Ministers about the impact of withdrawing from the European Union on the UK renewables sector.

New clause 169—European Health Insurance Card (EHIC)—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty's Government in respect of the United Kingdom's participation in and engagement with the European Health Insurance Card (EHIC) scheme.”

This new clause would seek a report from Her Majesty's Government on the UK's participation in and engagement with the European Health Insurance Card (EHIC) scheme following the UK's withdrawal from the European Union.

New clause 171—Erasmus+ Programme—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty's Government in respect of the United Kingdom's participation in and engagement with the Erasmus+ Programme.”

This new clause would seek a report from Her Majesty's Government on the UK's participation in and engagement with the Erasmus+ Programme following the UK's withdrawal from the European Union.

New clause 173—European Research Area (ERA)—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty's Government in respect of the United Kingdom's participation in and engagement with the European Research Area (ERA).”

This new clause would seek a report from Her Majesty's Government on the UK's participation in and engagement with the European Research Area (ERA) following the UK's withdrawal from the European Union.

New clause 176—Requirement to have regard to Motions passed by Parliament—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to any motions passed by Parliament on the outcome of the negotiations associated with the notification of the UK's intention to leave the European Union authorised by this Act”.

This new clause would require Her Majesty's Government to have regard to any motions passed by Parliament on the outcome of the negotiations associated with the notification of the UK's intention to leave the European Union authorised by this Act.

New clause 177—European Arrest Warrant—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty's Government in respect of the United Kingdom's participation in and engagement with the European Arrest Warrant.”

[The First Deputy Chairman]

This new clause would seek a report from Her Majesty's Government on the UK's participation in and engagement with the European Arrest Warrant following the UK's withdrawal from the European Union.

New clause 8—*EU and United Kingdom nationals*—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must resolve to guarantee the rights of residence of anyone who is lawfully resident in the United Kingdom on the day on which section 1 comes into force in accordance with or as consequence of any provision of a Treaty to which section 1 relates, and United Kingdom nationals living in the parts of the European Union that are not the United Kingdom before the European Council finalises their initial negotiating guidelines and directives.”

Amendment 83, in clause 1, page 1, line 2, leave out “the Prime Minister” and insert “Parliament”.

Amendment 45, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) until she has confirmed that EU nationals living and working in the United Kingdom on the date that the UK withdraws from the United Kingdom will be subject to the same citizenship rights that applied prior to the United Kingdom's withdrawal.”

Amendment 78, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) until the Foreign Secretary has published a revised programme of work for the UK Permanent Representative to the European Union for the duration of the negotiating period, and laid a copy of the report before Parliament.”

Amendment 84, page 1, line 3, at end insert—

“(1A) The persons authorised to give notification under subsection (1) on behalf of Parliament are—

- (a) The Speaker of the House of Commons, on behalf of the House of Commons, and
- (b) the Lord Speaker, on behalf of the House of Lords.

(1B) Parliament may only give notification under subsection (1) if—

- (a) both Houses of Parliament have passed resolutions approving notification; and
- (b) votes in favour of notification have been passed by—
 - (i) the Scottish Parliament,
 - (ii) the National Assembly for Wales, and
 - (iii) the Northern Ireland Assembly.

(1C) A notification under subsection (1) must be given as soon as is practicable after the two Houses of Parliament have passed resolutions approving notification.”

Amendment 12, page 1, line 5, at end insert—

“(3) Before exercising the power under section 1, the Prime Minister must lay before both Houses of Parliament a White Paper on the UK Exiting the EU.”

Amendment 17, page 1, line 5, at end insert —

“(3) Before exercising power under subsection (1), the Prime Minister must give undertakings that all EU citizens exercising their Treaty rights in the UK who—

- (a) were resident in the UK on 23 June 2016, and
- (b) had been resident since at least 23 December 2015

be granted permanent residence in the UK.”

Amendment 36, page 1, line 5, at end insert—

“(3) Before the Prime Minister issues a notification under this section, Her Majesty's Government has a duty to lay before both Houses of Parliament a White Paper setting out its approach

to any transitional arrangements with the European Union following the expiry of the two-year period specified in Article 50(3) of the Treaty on European Union.”

This amendment would require the Government to set out, prior to triggering Article 50, a detailed plan for a transitional arrangement with the EU covering the period between the end of the two-year Article 50 negotiation period and the coming into force of a final Treaty on the UK's new relationship with the EU.

Amendment 44, page 1, line 5, at end insert—

“(3) Before exercising the power under subsection (1), the Prime Minister must lay a report before Parliament on the Government's proposed negotiation package, including detailed and specific information on—

- (a) the proposed terms of the UK's access to the Single Market (if any) or the negotiating mandate thereof;
- (b) the nature and extent of any tariffs that will or may be imposed on goods and services from the UK entering the EU and goods and services from the EU entering the UK or the negotiating mandate thereof;
- (c) the terms of proposed trade agreements with the EU or EU Member States, and the expected timeframe for the negotiation and ratification of said trade agreements or the negotiating mandate thereof;
- (d) the proposed status of rights guaranteed by the law of the European Union, including—
 - (i) labour rights,
 - (ii) health and safety at work,
 - (iii) the Working Time Directive,
 - (iv) consumer rights, and
 - (v) environmental standards;
- (e) the proposed status of—
 - (i) EU citizens living in the UK, and
 - (ii) UK citizens living in the EU, after the UK has exited the EU or the negotiating mandate thereof;
- (f) details of the Government's internal estimates as to the impact of the above measures on—
 - (i) the balance of trade,
 - (ii) GDP, and
 - (iii) unemployment, in the UK after the UK leaves the EU.

(4) The report in subsection (3) must set out the costs and benefits of holding a referendum which asks the public to decide between the proposed negotiation package or remaining a member of the European Union.

(5) The report in subsection (3) must not be laid before the House before 1 December 2017.”

New clause 6—*EU citizens resident in the United Kingdom*—

- “(1) Anyone who is lawfully resident in the United Kingdom—
 - (a) on the day on which section 1 comes into force, and
 - (b) in accordance with or as consequence of any provision of a Treaty to which section 1 relates,

shall have no less favourable rights of residence or opportunities to obtain rights of residence than they currently enjoy.”

This new clause guarantees the rights of EU nationals living in the UK at the date when article 50 is triggered.

New clause 14—*Rights for EU nationals*—

“Her Majesty's Government shall ensure that those persons who have a right to indefinite leave to remain in the United Kingdom by virtue of their EU citizenship on the day on which this Act is passed shall continue to have an indefinite leave to remain in the United Kingdom.”

This new Clause would ensure that those persons who have a right to indefinite leave to remain in the United Kingdom by virtue of their EU citizenship on the day on which this Act is passed shall continue to have an indefinite leave to remain in the United Kingdom.

New clause 27—*EU nationals in the United Kingdom*—

“(1) The Prime Minister may not exercise the power under subsection 1(1) unless the Prime Minister is satisfied that arrangements are in place to secure that every individual who is—

- (a) not a citizen of the United Kingdom, and
- (b) on the date on which this Act comes into force (“the Commencement Date”), is resident in the United Kingdom pursuant to any right derived from the treaties,

shall, when the treaties cease to apply to the United Kingdom, continue to be entitled to reside in the United Kingdom on terms no less favourable than those applicable to that individual on the Commencement Date.”

New clause 33—Immigration—draft framework—

“Before exercising the power under section 1, the Prime Minister must set out a draft framework for the future relationship with the European Union which includes reference to how this will give the UK control over its immigration system.”

New clause 57—Effect of notification of withdrawal—

“Nothing in this Act shall affect the continuation of those residence rights enjoyed by EU citizens lawfully resident in the United Kingdom on 23 June 2016, under or by virtue of Directive 2004/38/EC, after the United Kingdom’s withdrawal from the European Union.”

This savings new clause is designed to protect the residence rights of those EU citizens who were lawfully resident in the United Kingdom on the date of the EU referendum. It would ensure that those rights do not fall away automatically two years after notice of withdrawal has been given, if no agreement is reached with the EU. This new clause would implement a recommendation made in paragraph 53 by the Joint Committee on Human Rights in its report ‘The human rights implications of Brexit’.

New clause 67—Indefinite leave to remain for EU citizens in Wales—

“Before the Prime Minister can exercise the power in section 1, the Prime Minister must commit to automatically granting indefinite leave to remain in the UK for EU citizens already lawfully resident in Wales.”

This new clause requires the Prime Minister to commit to implementing the Leave Campaign’s pledge to automatically grant indefinite leave to remain in the UK for EU citizens already lawfully resident in Wales before exercising the powers outlined in section 1.

New clause 108—Status of Irish citizens in the United Kingdom—

“Before exercising the power under section 1, the Prime Minister shall commit to maintaining the current status, rights and entitlements of Irish citizens in the United Kingdom, inclusive of and in addition to their status, rights and entitlements as EU citizens.”

New clause 135—Effect of notification of withdrawal (No. 2)—

“Nothing in this Act shall affect the continuation of those rights of residence enjoyed by EU citizens lawfully resident in the United Kingdom and UK citizens lawfully resident in the EU on 23 June 2016 after the United Kingdom’s withdrawal from the European Union.”

New clause 142—EU Students in the UK—

“The Prime Minister may not exercise the power under section 1 until a Minister of the Crown has confirmed that EU students present in the UK on the date the United Kingdom withdraws from the EU will be granted visas to allow them residency rights for the full duration of their academic courses.”

New clause 146—Rights of EU citizens in the UK—

“Any citizen of an EU Member State lawfully resident in the United Kingdom on the day on which this Act comes into force shall have no less favourable rights of residence than they currently enjoy.”

Matthew Pennycook: New clause 3 concerns the parliamentary oversight of the negotiations that will follow the triggering of article 50. It would require the Government to report back to Parliament at least every two months on the progress of negotiations and to lay reports before both Houses of Parliament on each occasion. Let me be clear that the purpose is to improve the Bill by providing Parliament with the means not only to effectively monitor the Government’s progress throughout the negotiations, but to actively contribute to their success by facilitating substantive scrutiny that can positively influence the outcome.

We are here today debating this new clause and other new clauses and amendments to the Bill only because the Supreme Court upheld the High Court’s November ruling on the triggering of article 50, confirming that only Parliament, not Ministers using the royal prerogative, can initiate the start of the UK’s exit from the EU.

Sir William Cash (Stone) (Con) rose—

Matthew Pennycook: I will not give way and will make a little progress, if that is okay.

The Supreme Court was right to make it clear that Parliament should exert democratic influence over Brexit. That influence should be felt at the start, throughout and, most importantly, at the end of the formal process of leaving the EU. In practice, the Opposition believe that there must be three distinct pillars of parliamentary scrutiny and accountability: first, the provision of a detailed plan published prior to the start of negotiations that can inform future debates and votes, and that can be used throughout as a point of reference; secondly, a means of ensuring robust parliamentary oversight throughout the formal negotiation period; and thirdly, a meaningful debate and vote in Parliament on the proposed deal before it is signed off with the European Council and Parliament.

Sir Hugo Swire (East Devon) (Con): Does the hon. Gentleman really think that in a negotiation that could take many months and which will be extraordinarily complicated it would be in the best interests of the UK to have to reveal its hand every two months?

Matthew Pennycook: I want to make it clear that we are not asking the Government to reveal the minutiae of the negotiations or to micromanage the process, and I will say more about that further on in my remarks.

Under pressure, the Government conceded the first of those requests in the form of the White Paper published on Thursday, and my hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) will seek to win agreement to the third tomorrow, when he moves new clause 1. The purpose of new clause 3 is to secure the second of those pillars and, in so doing, ensure an enhanced role for hon. Members throughout the process. The Government should welcome an enhanced role for Parliament throughout the negotiations for two reasons.

Sir William Cash rose—

Matthew Pennycook: I will make some progress, if I may.

[Matthew Pennycook]

First, although Ministers obviously need sufficient room for manoeuvre, and understandably cannot therefore consent to the micromanagement of the process by parliamentarians, active and robust parliamentary scrutiny will aid the negotiations by testing and strengthening the Government's evolving negotiating position and their hand with the EU. Secondly, facilitating substantive parliamentary scrutiny and accountability would help to bind the wounds of the referendum and forge a genuine consensus in the months and years ahead, by reassuring the public, particularly the 16.1 million people who voted remain, that they will not be marginalised or ignored but that their views will be taken into account and their interests championed by their representatives in Parliament.

Sammy Wilson (East Antrim) (DUP): If the House is to pore over the details of the Government's negotiating position and express its view on them at regular intervals, that will be known to those with whom we are negotiating. How will that not undermine the Government's position?

Matthew Pennycook: If the hon. Gentleman will allow me to make some progress, he will see that that is not what we are asking for. When it comes to sensitive or confidential matters, we hope that there are mechanisms to allow the House to view and respond to those.

In leaving the EU, we need a deal and a process that work not just for the 52% who voted leave or the 48% who voted remain but for each and every person with a stake in our country's future. No one can reasonably accuse the Secretary of State of being unwilling to appear before the House—he has responded to every question put to him on this subject, even if, to ape the language of the White Paper, it has not always felt as if we have got an answer—but we require something more throughout the formal negotiations: an opportunity for hon. Members to play an active role in scrutinising and influencing the process, rather than merely to observe and comment on it retrospectively. As my hon. Friend the Member for Wolverhampton North East (Emma Reynolds) rightly argued on Second Reading, hon. Members are not passive bystanders, but should be active participants in the process.

Dawn Butler (Brent Central) (Lab): Does my hon. Friend agree that it is important that Parliament is sovereign throughout the whole process and has a chance to look at the general direction the Government are taking by withdrawing from the EU?

Matthew Pennycook: My hon. Friend makes a very good point. As she will see, we are asking for no more and no less than the European Parliament will get.

Substantive parliamentary scrutiny and accountability are not the same as accountability after the event, and new clause 3 is focused on securing what is needed for the former. The Secretary of State has made it clear on numerous occasions that when it comes to the provision of information during the negotiations it is his intention that hon. Members will enjoy not just the same access to information as their counterparts in the European Parliament, but that the situation here will be an improvement on what the European Parliament sees.

We do not know precisely what the Members of European Parliament will see throughout the negotiations, but it is reasonable to assume that their involvement is likely to be conducted in accordance with the provisions of article 218 of the treaty on the functioning of the European Union and that the detailed arrangements are likely to be similar to those set out in the 2010 framework agreement on relations between the European Parliament and the Commission. It is worth stating for the record, therefore, what that involves. Paragraph 23 of the framework agreement makes it clear that the European Parliament shall be

“immediately and fully informed at all stages of the negotiation and conclusion of international agreements”.

In addition, paragraph 24 requires that information shall be provided to the European Parliament

“in sufficient time for it to be able to express its point of view if appropriate, and for the Commission to be able to take Parliament's views as far as possible into account”.

Lastly, in order to facilitate oversight of any sensitive material, article 24 of the framework agreement states:

“Parliament and the Commission undertake to establish appropriate procedures and safeguards for the forwarding of confidential information from the Commission to Parliament”.

In short, the Commission needs to let the European Parliament know in good time what it is proposing, with provisions made for sensitive or confidential material, and to give sufficient time for the Parliament to provide feedback, and then act upon it if appropriate. That is now the baseline of European parliamentary scrutiny—the baseline that the Secretary of State has assured us this House can expect not only to match, but to surpass.

Dr Andrew Murrison (South West Wiltshire) (Con): I think the hon. Gentleman will find that most European papers are published in English by the House of Commons Library. He has not yet answered the question about where he would draw his line in the sand in respect of what he refers to as micromanagement and material that should be discussed every two months.

Matthew Pennycook: I have been absolutely clear about that, I am afraid, and it is up to the Government to determine what sensitive material would come before Members of Parliament in that process.

Several hon. Members *rose*—

Matthew Pennycook: Let me make a little more progress, if I may.

In acknowledging the delicate balance between the need for robust parliamentary oversight and the needs of the Executive, it is that baseline of oversight that new clause 3 seeks to secure for this place. As the right hon. and learned Member for Beaconsfield (Mr Grieve) argued on Second Reading, process matters.

Gloria De Piero (Ashfield) (Lab): I respect the democratic result of the referendum, but we all owe it to our constituents to get the best deal for them. The east midlands exports 50% of its goods to the European Union, and I would be failing in my duty as an east midlands MP if I did not have a chance to ensure that those jobs are not jeopardised by the Government deal. Is that not why scrutiny is important?

Matthew Pennycook: That is precisely why scrutiny is important, and if the Government were approaching this in a reasonable and sensible manner, they would actively welcome my hon. Friend's input into the process.

The Government should embrace rather than resist agreeing to a proper process for actively engaging the House in the considerable challenge it now faces. The undertakings sought in new clause 3 would ensure the active and constructive involvement of Parliament in that process and increase the chances of securing the best possible deal for the British people. I hope the Government will consider new clause 3 in the spirit in which it has been moved, and I look forward to hearing the Minister's thoughts on the matter.

In turning to the important matter of the rights of European Union nationals living in the UK, I shall speak to new clause 8, but principally to new clause 6, which stands in my name and that of my hon. Friends. As my hon. Friend the Member for Hampstead and Kilburn (Tulip Siddiq) argued so passionately during last week's Second Reading debate, EU nationals who have put down roots in the UK are part of the fabric of our nations and our communities. They are our neighbours. Many of them sustain the public services we rely on and they deserve to be treated with respect. They should not be used as bargaining chips in the negotiations.

I have no doubt that many hon. Members on both sides of the House have had, as I have, EU nationals attending their constituency advice surgeries to express the sense of trauma and anxiety that they have felt every single day since 23 June last year, and to seek reassurance. While individual hon. Members can and, I am sure, have sought to reassure, we can provide EU nationals living in our constituencies with no guarantees. Only the Government have it within their gift to do so. The purpose of new clause 6 is therefore a simple one. It will ensure that on the day section 1 of the Act comes into force, the rights of residence of EU nationals living in the UK or the opportunities for those nationals to obtain such rights of residence will be guaranteed on the date on which article 50 notice is formally served.

Keith Vaz (Leicester East) (Lab): Even the Prime Minister's statement today did not provide certainty. What constituents who have lived here for a number of years say to us is that they need certainty, so that they can know how to plan their lives. Does my hon. Friend agree with me that, in any event, someone who has lived here for five years should be able to get permanent settlement and that someone who has lawfully lived here six years should also be eligible for British citizenship? It is vital that the Government state this very clearly.

Matthew Pennycook: I agree 100% with my right hon. Friend.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): May I urge my hon. Friend to look at the report of a commission organised by British Future, which I chaired? The report, which received cross-party support, said that the triggering of article 50 was the point at which rights would come in, but that there should be a transition period of about five years allowing people to normalise their status, and that there should be a special status to allow for our relationship with Ireland. We believed

that that would be a way of giving certainty to EU citizens, and would also be perceived as fair throughout the EU.

Matthew Pennycook: I think that that echoes part of a suggestion that we have made. It is touched on in other new clauses, such as new clause 57.

Dr Murrison: Will the hon. Gentleman give way?

Matthew Pennycook: I shall make a little progress, if I may.

Hon. Members will know that permanent residence is an EU law concept similar to, but not exactly the same as, indefinite leave to remain in the UK for non-EU citizens. It is not guaranteed that the concept itself will continue to exist after we leave the EU. However, we are not debating today the complex legal issues that arise in this area; instead, we are debating a principle. We are debating how the rights associated with permanent residence are to be guaranteed.

Mr Mark Harper (Forest of Dean) (Con): Will the hon. Gentleman give way?

Matthew Pennycook: I am happy to give way, but then I am going to make a bit of progress.

Mr Harper: The hon. Gentleman says that we are not debating the detail, but I am afraid that that is what he is proposing. He is proposing a rather wide blanket measure which would give many people an unconditional right to stay in the country. What provision does his new clause make—I cannot see any—for the more than 4,000 EU nationals who are in United Kingdom prisons? What arrangements will there be when we leave the European Union to ensure that we can remove them from the United Kingdom, which we can currently do under the EU prisoner transfer agreement?

Matthew Pennycook: As the right hon. Gentleman will know, it depends on the terms of the sentence. New clause 6 seeks an in-principle guarantee from the Government that they will secure the rights of EU nationals.

Few would question the fact that Brexit has divided the country, but on this issue there is a clear consensus that the Government should act decisively to give certainty to EU nationals. A motion tabled by my right hon. Friend the Member for Leigh (Andy Burnham) in July last year, which called on the Government to commit themselves with urgency to giving EU nationals currently living in the UK the right to remain, was passed overwhelmingly in the House, and that parliamentary support is mirrored among the public. Polling by British Future shows that 84% of people, including 77% of leave voters, support the ability of existing EU nationals to stay in the UK. The Labour party has called repeatedly for the Government to act to end the uncertainty that those people face. Indeed, such is the level of consensus that even Migration Watch and the UK Independence party have joined those calls.

The only question that remains is whether the rights that flow from permanent residency, and the opportunity for those who are eligible to obtain those rights in the future, will be secured by means of a reciprocal agreement or unilaterally guaranteed by the Government.

Steve McCabe (Birmingham, Selly Oak) (Lab): Will my hon. Friend give way?

Matthew Pennycook: I will not give way, if that is okay, because I know that many other Members wish to speak, and I do not think the Front Bench should take the majority of the time.

We recognise the efforts of the Prime Minister and her Ministers to achieve a reciprocal agreement with our EU partners that would also guarantee the rights of UK nationals in other EU countries. We owe a duty to our nationals in those EU countries, and securing their rights must remain a priority. However, with no reciprocal agreement reached and with just weeks to go until the triggering of article 50, we believe that the uncertainty must be brought to an end by unilateral action on the part of the Government.

John Penrose (Weston-super-Mare) (Con) *rose*—

Mark Field (Cities of London and Westminster) (Con) *rose*—

Matthew Pennycook: I am not going to give way any further.

There are hard-headed as well as moral reasons for doing this. Guaranteeing the rights of residence of EU nationals unilaterally on the date on which the article 50 notice is given would not only end the uncertainty that millions now face. It would also ensure the best possible start to the negotiations that lie ahead, and would send a clear signal to the small minority who have treated the referendum result as a licence to victimise others that our fellow Europeans are welcome and will remain so.

A number of other new clauses and amendments share the purpose of new clause 6 in seeking to protect the rights of EU nationals living in the UK. Indeed, some add additional safeguards to the basic guarantee that we seek. In particular, new clause 57, tabled by my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman), would ensure not only that the residence rights of EU citizens were protected, but that those rights did not automatically fall away at the end of the article 50 negotiating period if no agreement had been reached. If my right hon. and learned Friend were minded to push the new clause to a vote, she would have our support.

What matters in the end is that this issue is resolved as a matter of urgency in order to end the anxiety that people are currently feeling, and the distress that will be caused by a prolonged period of uncertainty during the negotiations. I hope that Ministers will be able to give us, and the thousands of EU nationals and their families out there, the reassurances that we seek.

5.15 pm

Mr Harper: I note that this group is a fairly hefty one with a large number of amendments, but I wish to make only five points, so I will attempt not to take up too much of the House's time.

The first point that I wish to address is that of parliamentary scrutiny, which was mentioned by the hon. Member for Greenwich and Woolwich (Matthew Pennycook) at the beginning of his remarks. A number of new clauses and amendments talk about producing a

raft of reports, including the rather large number of new clauses from the hon. Member for Nottingham East (Chris Leslie). What I want to throw out there is the question of what that really adds to the process. It seems to me—I have also spoken to a number of my constituents about this—that this House has spent a lot of time, as is appropriate, debating Brexit and all the issues that flow from it. My right hon. Friend the Prime Minister has been here on a number of occasions, my right hon. Friend the Secretary of State for Exiting the European Union has made a number of statements, and it seems to me that Ministers have furnished the House with a significant amount of information. Moreover, in the White Paper published last week, which I read very carefully, there was a reiteration of the commitment to bring forward the great repeal Bill, which will be very wide in scope and will enable Parliament to debate these matters, and there was also the suggestion that it is very likely that there will be primary legislation on immigration and customs matters, which will, of course, be debated by the House.

John Penrose: I agree with my right hon. Friend that there is a vast amount of information already coming out. Does he agree that even if that co-operative attitude were to change, there are plenty of mechanisms—urgent questions and the like—available to both Government and Opposition Members to bring Ministers to the Dispatch Box to provide the kind of explanation that everybody here is expecting? Does he therefore agree that it is very hard to see how the Opposition's proposals build on or add to those mechanisms which are already available to all of us?

Mr Harper: I completely agree with my hon. Friend and it is difficult to avoid the conclusion that, certainly the Opposition Front Bench was desperately looking around for amendments that would not stop the Bill in its tracks, and this was about the best they could come up with. But it does not really add very much and is rather unnecessary, and, as I have said, many of the new clauses are rather repetitive, talking about reports and information about a whole raft of EU institutions, which will, of course, be covered in any event.

Sir Oliver Letwin (West Dorset) (Con): Does my right hon. Friend agree that the effect, if not the intent, of the Opposition new clause would be to make all these matters justiciable and therefore bring the courts into the question of whether the Government's reports were sufficient and, indeed, appropriate?

Mr Harper: My right hon. Friend makes a very good point. Once we put things into primary legislation and set out the nature and terms of the report, it will, as we have seen, be justiciable, and it will allow people to go to court and argue—they might be successful, they might not—that what the Government have brought forward is not adequate, and we will then have a continuation of the legal arguments that we have seen.

Clive Efford (Eltham) (Lab): Should not any Member of this House want as a minimum requirement access to information and opportunities at least equal to those of any Member of the European Parliament—surely no Member of this House can justify arguing for anything less?

Mr Harper: The point I was making—and I think my hon. Friend the Member for Weston-super-Mare (John Penrose) was agreeing—is that there are already well-established mechanisms in this House for ensuring that information is brought before Members. Indeed, if I simply judge my right hon. Friends the Prime Minister and the Secretary of State for Exiting the European Union by what they have done so far, it seems to me that they have been in this House frequently talking about Brexit. I fear that, by the end of this process, certainly the general public will be willing it to end as might hon. Members.

Chris Bryant (Rhondda) (Lab): Is not one of the problems that, in recent years, motions have regularly been carried by the House and then been completely and utterly ignored by the Government? We need more than just a simple yes or no vote at the end of this process. We need to be able to scrutinise whatever deal emerges line by line. That is exactly what the European Parliament will be able to do, so why on earth should not we be able to do it too?

Mr Harper: I am pleased that the hon. Gentleman rose to his feet, because I am about to turn away from my first point about the new clauses tabled by Opposition Front-Bench Members and to talk about the ones that I think could be much more damaging. Those include new clause 51, to which the hon. Gentleman has appended his name, and amendment 44.

In the Government's amendment to the Opposition motion that was passed by the House on 7 December last year, the House agreed by 448 votes to 75 that the Government should indeed ensure that Parliament had the necessary information to scrutinise these matters properly. The instruction from the House also stated, however,

“that there should be no disclosure of material that could be reasonably judged to damage the UK”.—[*Official Report*, 7 December 2016; Vol. 618, c. 220.]

This is an arguable matter, but my contention is that the detail called for in new clause 51 on, among other things, the terms of proposed trade agreements and the proposed status of citizens are details that we would not want to disclose during our negotiations. For example, we would not wish to disclose whether tariffs were to be introduced or at what level. To do so would be to reveal our negotiating hand, which would be counter to the strongly expressed view of the House. If new clause 51 or amendment 44 are put to a vote, I strongly urge the House to vote against them.

Owen Smith (Pontypridd) (Lab): The right hon. Gentleman has mentioned new clause 51, which has been tabled in my name and those of other Opposition Members. Given that, before the referendum, the Government of which he was a part estimated the damage to the UK's GDP of our leaving the EU on World Trade Organisation terms at around 7.7% of GDP or perhaps as much as £66 billion, would he not think it sensible for the Government to allay the country's concerns if they now believe that the effects will be far less serious?

Mr Harper: The hon. Gentleman is picking out one aspect of his new clause. I was drawing out an aspect, to which I object, dealing with the effective disclosure of

our hand in the discussion on future trading arrangements. That would not be very sensible while we are carrying out negotiations with our trading partners.

Owen Smith *rose*—

Mr Harper: The hon. Gentleman tempts me.

Owen Smith: I am grateful to the right hon. Gentleman for being tempted. Another big area in which the Government were very clear, prior to the referendum, was the impact on trade of our leaving the EU, yet now we have no information on whether there will be more or less trade with the EU or with its constituent countries. Does it not seem sensible to tell the country whether we will have more trade with the EU or less?

Mr Harper: One of the flaws in the hon. Gentleman's suggestion is that all the matters to which he refers are forecasts, estimates or guesses. A number of estimates and forecasts were made by both sides of the argument—leave and remain—before the referendum. I am not an expert on these matters, but it seems that not all of those forecasts and assessments have panned out exactly as people thought they would, so I really do not know why producing large documents full of equally erroneous forecasts would be helpful.

Sir Hugo Swire: Has not this exchange demonstrated the foolhardiness of revealing our hand at this stage, given the fact that we cannot officially strike any kind of bilateral trade deal until we leave the EU? We must avoid talking our country down when every trade deal and every relationship we have—yes, even with the United States—will be of paramount importance. We should also do everything to resist the temptation to insult anyone from those countries who might be coming here.

Mr Harper: I could not agree more with my right hon. Friend. That demonstrates the expertise that he acquired when he was a Foreign Office Minister.

Moving on to number three of my five points, new clause 56 refers to our withdrawal from the EEA and tries to make that into a separate argument. We are a member of the EEA as a result of being a member of the EU. Given that the EEA agreement talks about the free movement of goods and persons and means that we are susceptible to the jurisdiction of the European Court of Justice, if we were to remain within the EEA, we would in the view of most members of the public effectively not have left the EU at all—the things that they were concerned about would still be in force. Indeed, things would have got worse because we would have no ability to influence—[*Interruption.*]

Mike Gapes (Ilford South) (Lab/Co-op): Will the right hon. Gentleman give way?

Mr Harper: Let me just finish my point. We would have no ability to influence the rules that we would have to accept. Members who are talking about the EEA are simply trying to avoid the fact that we are going to be leaving the European Union; they are trying to remain in it by the back door.

Julian Knight (Solihull) (Con): Will my right hon. Friend give way?

Mr Harper: Let me give way to the hon. Member for Ilford South (Mike Gapes), who I think was first on his feet, and then to my hon. Friend.

Mike Gapes: Will the right hon. Gentleman confirm that Norway is not in the European Union, that Norway was cited by leading leave campaigners as an option that we could follow and that we could be like Norway and not within the European Union?

Mr Harper: I can confirm to the House that Norway is not a member of the European Union. That is indeed true. Part of the reason why I was on the remain side of the argument was that the Norway deal is not very good at all and not a model to be followed. My view was that—*[Interruption.]*

Heidi Alexander (Lewisham East) (Lab): Will the right hon. Gentleman give way?

Mr Harper: Let me finish answering the point of the hon. Member for Ilford South and then I will of course take an intervention. I did promise to give way to my hon. Friend the Member for Solihull (Julian Knight) first, but I will then give way to the hon. Lady.

The two best options are either to be in the EU and accept everything that comes with that, but with the ability to shape the rules, or to leave and not be in the single market, not have free movement of people and not be subject to the European Court of Justice. Norway's EEA model is poor, because it is subject to the free movement of people, it has to accept the jurisdiction of the Court and it has no right at all to influence any of the rules. It is up to the Norwegians what model they want to adopt, but it is not one that would work for us or that I would recommend to the House.

Julian Knight: I completely agree with my right hon. Friend. Constructs such as the EEA are effectively antechambers. They are entry points into the EU. It would be inappropriate, given our size and our economy, for a country such as ours that is exiting the EU to rest in something that is unsuitable.

Mr Harper: I could not have put it better myself. I will now give way to the hon. Lady.

Heidi Alexander: Will the right hon. Gentleman tell the Committee whether he believes that Parliament should vote on whether we leave the single market and the EEA before that happens—if that is what the Government want to see through?

Mr Harper: I do not. I will put my cards on the table: I was on the remain side, but I am a democrat, so I accept the result. As a participant, I listened closely to the arguments in the referendum campaign and when David Cameron, then Prime Minister, and my right hon. Friend the Member for Tatton (Mr Osborne), then Chancellor, were leading the remain campaign, they were clear that if the country voted to leave the European Union, we would leave the single market. Both David Cameron and my right hon. Friend the Member for Tatton thought, erroneously as it turned out, that that argument would be the slam dunk. They thought that the British people would see that being in the single market was absolutely critical and therefore would vote to remain in the European Union.

Wes Streeting (Ilford North) (Lab) *rose*—

Mr Kenneth Clarke (Rushcliffe) (Con) *rose*—

Mr Harper: If I can finish my answer, I will of course take an intervention.

However, the British public did not agree with David Cameron and my right hon. Friend the Member for Tatton. Therefore, it seems clear that the public accepted that we would be leaving the single market. Leading campaigners on the leave side made exactly the same point. I will now give way to my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke).

Mr Kenneth Clarke: It is quite right that the then Prime Minister and Chancellor warned that leaving the EU would mean leaving the single market, but my recollection is that some leave campaigners just dismissed that as “Project Fear”. I particularly recollect that the current Foreign Secretary was totally dismissive of that argument and said that we would retain full membership of and full access to the market because Europe needed to sell us its Mercedes and prosecco wine. It is not true that everybody on the leave side acknowledged that we would put ourselves outside tariff and regulatory barriers.

5.30 pm

Mr Harper: My right hon. and learned Friend is right that not everybody on the leave side made that argument. The good news for me is that I was not on the leave side of the argument—neither was he—so I feel no obligation to defend any of the arguments made by anybody on that side of the campaign.

I specifically chose the former Prime Minister and the former Chancellor, my right hon. Friend the Member for Tatton, because they were on my side of the argument, but I think I am right in saying that my right hon. Friend the Member for Surrey Heath (Michael Gove), who led the official leave campaign, made exactly that argument, which is why I referred to it.

Ms Gisela Stuart: I thank the right hon. Gentleman for giving way to the chair of the official leave campaign. Although many voices argued for leave, the official leave campaign, its chair and the co-chairs of its campaign committee made it very clear in public that voting to leave would mean leaving the single market.

Mr Harper: I am grateful to the right hon. Lady for that helpful intervention, which rather proves my point. The British people's decision in the referendum means leaving the EU, which means leaving the single market. That is the conclusion that the Prime Minister has drawn, and it is one that I support.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): Will the right hon. Gentleman give way?

Mr Harper: If the hon. Gentleman will forgive me, I want to move on to my fourth point, on the important issue of EU nationals. Given my experience as a former Immigration Minister, I have some questions, and I hope the Minister will be able to address them to my satisfaction and to the satisfaction of the House.

First, I completely agree that it would be desirable to be able to put at rest the minds and concerns of EU nationals in the United Kingdom who are here lawfully and who contribute to our country, but it is also important to be able to put at rest the concerns and worries of British citizens living elsewhere in the European Union. After all, the primary duty of the British Government is to look out for British citizens. That comes first, ahead of all else, and I fear that what the hon. Member for Greenwich and Woolwich suggested—when he said that, if we cannot reach an early agreement, we should proceed anyway—might well put to rest the concerns of EU nationals in Britain, but would simply throw overboard the interests and concerns of UK citizens living elsewhere in the European Union. Doing that would not secure their interests, and it would throw away our ability to do so.

Jo Stevens (Cardiff Central) (Lab): Some 15% of the academic staff, 5% of students and 10% of research students at Cardiff University in my constituency are from the EU. Does the right hon. Gentleman agree that there is a significant risk that those EU staff and their spouses will seek employment elsewhere, outside the UK, if they do not have certainty now from the Government? We would then lose all that intellectual capital.

Mr Harper: I completely agree with the hon. Lady, which is why I am pleased that the Prime Minister, in her statement today and on a number of other occasions, has made it clear that she wants to reach an early agreement, and has been seeking to do so, with our European partners. But, in leading our country, the Prime Minister has to look to the interests of British citizens, as well as to the interests of citizens from other EU countries who are here. She does not serve the interests of British citizens by putting the interests of EU nationals ahead of them.

Joanna Cherry (Edinburgh South West) (SNP): The right hon. Gentleman is courteous in giving way. I am a member of the Exiting the European Union Committee, and a few weeks ago we heard evidence from several British nationals living in Spain, Germany, Italy and France. They were members of representative organisations for British nationals, and every single one of them said that they felt that the other member states would reciprocate if the UK Government made a unilateral guarantee of the rights of EU nationals living here. Has he taken that evidence into account?

Mr Harper: I have, and the hon. and learned Lady has now put it before the House, but the problem is that I have not seen any evidence to support that view. If I listened correctly to what the Prime Minister was saying, it sounds as though a number of European member state Governments are indeed of that view, but clearly more than one are not—or at least they are not now. Therefore, it is sensible to get this right.

There is another thing that Members of this House ought to be doing, and this picks up on the point made by the right hon. Member for Leicester East (Keith Vaz). There are already several mechanisms through which EU nationals who have lived in the UK for some time can sort out their residency status on a permanent basis. Rather than scaremongering and whipping up

concern, hon. Members would do well to put that information in front of their constituents in order to reassure them.

Joanna Cherry: The point that these British nationals living abroad made was that the British Government put this matter on the table—they put the rights of these people at issue—so they should take the lead by guaranteeing the rights of EU nationals living in the UK, and then other member states would follow suit. Those are not my words but the words of British nationals living abroad. What does the right hon. Gentleman have to say to that?

Mr Harper: I go back to the premise of the hon. and learned Lady's question; it was not the British Government who made this decision, as it was the decision of the British people—

Joanna Cherry: It is the same thing—

Mr Harper: No, with the greatest respect, it is not the same thing. These issues have arisen and there is a question about the rights of EU nationals and British citizens because the people of the United Kingdom decided that we were going to leave the EU. That is not a decision of the Government—

Several hon. Members *rose*—

Mr Harper: If Members will forgive me, I shall make a little progress.

Mr Andrew Tyrie (Chichester) (Con) *rose*—

Mr Harper: I will give way to the Chairman of the Treasury Committee, but then I must make some progress.

Mr Tyrie: My right hon. Friend would agree, however, that other nationals should not be treated as bargaining chips, and I am sure he would also be aware that the Treasury Committee has heard a good deal of evidence to suggest that the failure to guarantee the rights of EU nationals is now beginning to damage the economy. Given that, and the overwhelming ethical case, does he not agree, on reflection, that the time has come just to protect those EU citizens' rights?

Mr Harper: I completely agree on the value to the economy. I also agree on this being an urgent matter, and I heard the Prime Minister say exactly that this afternoon. If I may conclude my remarks about EU nationals, perhaps my right hon. Friend the Member for Chichester (Mr Tyrie) will see why I do not think precipitate action is very wise. It could open up a range of complexities which, far from putting people's minds at rest and making things better, could make things worse.

Ms Gisela Stuart: The right hon. Gentleman was a Minister and he has been in negotiations. If we put on the table the kind of deal we would expect the other 27 to offer to UK citizens, we would set the template of what we think the right deal is and set the right tone for the negotiations; this is a different matter from trade.

Mr Harper: I was listening carefully to what the Prime Minister said, and it sounds to me as though she and her Ministers are indeed talking to EU member states and trying to get this issue resolved. There is a two-stage process here: we need an agreement in principle by the UK Government with other EU member states—

Ian Blackford (Ross, Skye and Lochaber) (SNP) *rose*—

Mr Harper: I am grateful to the hon. Gentleman for trying to intervene, but I need to finish replying to the right hon. Lady before I can take his intervention. I am also conscious of the fact that I have only one more point to make after I have finished my points about EU nationals, and I want to give other Members the chance to contribute to the debate. *[Interruption.]* I am giving way to take questions. This is a debate, and I cannot both make rapid progress and give way to Members, so let me just answer the point that the right hon. Lady made. It seems to me that the Prime Minister and her Ministers are indeed dealing with other European members and trying to get this issue resolved, but that is clearly not being entirely reciprocated by other members. The approach has two stages: we need an agreement in principle that we want to guarantee those rights; and then there is also an awful lot of detail to be worked out. These matters are very complicated.

I wish to draw the House's attention to what happened last weekend. As far as I can tell, looking from the outside, it seems to me that part of the reason for the mess the US Administration have got themselves into is that they produced an Executive order that was not very well thought through. They do not seem to have taken proper legal advice, so got themselves into trouble in the courts. There was an impact on British citizens, before the intervention of my right hon. Friends the Foreign Secretary and the Home Secretary resolved the matter. I do not want us to move precipitately without thinking things through.

I wish to give the House some examples that I think must be sorted out. First, the various amendments and new clauses refer to people who are lawfully resident in the United Kingdom under the existing treaties. People think that is straightforward, but it is actually quite complicated. Any EU national can come to Britain for any reason, for up to three months. If they want to stay here for longer than three months, they have to be either working, looking for work, self-sufficient or a student. If they are self-sufficient or a student, they are here lawfully only if they have comprehensive health insurance. We know from those people who have been trying to regularise their status, following the sensible advice from the right hon. Member for Leicester East, that many do not have that comprehensive health insurance so technically are not here lawfully at all. When we use these phrases, we need to be clear who we are granting the rights to, because people will not be aware of the complexity. If we are to give people clarity and certainty, we have to be clear about what we are doing.

Secondly, the national health service and healthcare are topical issues. We currently have a set of reciprocal arrangements with our European Union partners for people who are in those countries. We do not do the logging, administration and collecting of the money as well as they do. We want to ensure that that will work when we have left the European Union. I do not know where we will end up on that, but it is important.

Thirdly, in an intervention earlier I alluded to a point that must be thought about, because if we act hastily, we will come to regret it. At the end of March last year—these are the latest figures I was able to find—4,222 EU nationals were imprisoned in British jails. Under the EU prisoner transfer framework directive, we have the ability to transfer them when they are in prison, and when they come out we can start to take action to revoke their status in the United Kingdom. I want to make sure that in acting now we do not act hastily and make our ability to remove those people from the United Kingdom more difficult. I fear that the new clauses and amendments we are considering would not adequately deal with that issue, as was reflected in the answer from the shadow Minister, the hon. Member for Greenwich and Woolwich.

Finally, the Bill does one simple thing: it gives the Prime Minister the lawful authority to start the negotiation process. That is all it does. The Government have been generous in making available the time to debate that matter. The Bill does not need to be improved or amended in any way. I do not know which amendments and new clauses will be pressed to a vote, but I hope that I have set out some reasons why several of them should be rejected. If any of them are pressed, I urge the House to reject them.

Ms Harriet Harman (Camberwell and Peckham) (Lab): I rise to support new clause 57, which was tabled in my name and the names of other members of the Joint Committee on Human Rights, with the support of right hon. and hon. Members from both sides of the House.

This is about 3 million people and their families—EU citizens whose future here has been thrown into doubt by the decision in June that the UK should leave the EU. There is nothing about the cloud of uncertainty that they now live under that is their own fault. If we accept the new clause, we can put their minds at rest and let them look to the future.

Members on both sides of the House will know the people whose lives we are talking about. Some, such as those from France and Spain, have been here for decades. They have children and grandchildren living here. They work in and are part of their local community. It is unthinkable that they would be deported and their families divided because we have decided to leave the EU. Let us put their minds at rest and assure them and their families that our decision to leave the EU will not change their right to be here. Their anxiety is palpable. We have all seen it in our advice surgeries. One of my constituents, an Italian woman, has been here for 30 years. She cannot work anymore because she is ill, and her residency rights are now at risk. People from countries that have more recently joined the EU, such as Poland, Romania and Bulgaria, are working in sectors that could not manage without them—in agriculture, care homes and our tourism industry. Employers in food production are already reporting more difficulty in getting the workers they need. That is happening now.

5.45 pm

Jeremy Lefroy (Stafford) (Con): New clause 57 was recommended by the Joint Committee on Human Rights. My constituent who is a consultant paediatric surgeon from Sweden approached me over the new year in a state of distress because he was not sure about his future status—this is someone who performs really valuable services

for the people of the west midlands and at Birmingham Children's Hospital. He had been advised that he should seek the services of an immigration lawyer, and that advice had come from his trust.

Ms Harman: The hon. Gentleman is absolutely right. There was plenty of other such evidence that came before us on the Joint Committee on Human Rights, of which he is a very valued member. This ongoing uncertainty around the status of EU residents here is allowing greater exploitation of vulnerable EU workers. Last week, appearing before the Joint Committee on Human Rights, Margaret Beels, chair of the Gangmasters Licensing Authority, said that she is receiving evidence that gangmasters are telling fearful EU workers that they cannot complain about not being paid or about being subjected to unsafe conditions because if they do they will be deported as they no longer have the right to be here. We are not whipping up fears, but understanding fears and seeking to address them. It is no good, I am afraid, issuing warm words; people need certainty. They work in every part of our private sector. They contribute to our creative industries; they are artists and musicians. They work in our public services. Anyone who has been in hospital recently will very likely have awoken to find a Spanish or a Portuguese nurse at their bedside. If anyone has an older relative in a care home, they are likely to see them being cared for by someone from eastern Europe.

Sir Hugo Swire: I have considerable sympathy with the point that the right hon. and learned Lady is making. We disagree on the fundamental point, which is that we should not do something unilateral here in the United Kingdom before we have agreement on our own residents in Spain and France and elsewhere, because we will potentially be undermining their position. No doubt they will be feeling the sense of vulnerability that she has just articulated about those living here.

Ms Harman: I disagree with the right hon. Gentleman's conclusion.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): Is my right hon. and learned Friend aware that we also heard evidence in the Home Affairs Committee from groups representing the Polish community and other eastern European communities? They said that they had seen an increase in hate crime. They also said that extremists were exploiting the uncertainty and attacking people with phrases such as "Go home" and "Leave the country". They said that the uncertainty that EU citizens felt made it harder for them to deal with these awful hate crimes.

Ms Harman: My right hon. Friend is absolutely right.

Dr Philippa Whitford (Central Ayrshire) (SNP): I am sure that many MPs in this Chamber have also had constituents from the EU who have tried to seek security by applying for permanent residency, but who have been turned down and received "prepare to leave" letters. The right hon. Member for Forest of Dean (Mr Harper) mentioned comprehensive health insurance. There is no such thing. A person cannot get 100% comprehensive health insurance. Previously, the NHS was recognised for giving health cover. Why can this House not give these people security at this end, and not threaten to throw them out?

Ms Harman: I absolutely agree with the hon. Lady.

It is not just EU nationals and their families who are worried about the uncertainty hanging over them; so are the employers for whom they work. How will our NHS find the nurses we need if they seek work elsewhere for fear that they will not be allowed to stay? It is not as if we are training them ourselves. With the cuts to bursaries, the number of student nurses has fallen by 23% this year.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): I recently had a conversation with the chair and chief executive of the trust in my constituency, who said that Huddersfield Royal infirmary could not operate if it were not for young Spanish nurses. I also spoke to people at the London School of Economics who said that if the Europeans, who are good at maths and science, were to leave, 20% of the workforce of universities would go back home.

Ms Harman: My hon. Friend is absolutely right. We cannot say that we welcome them here to do such work, but use them as a bargaining chip in European negotiations.

Dawn Butler: My right hon. and learned Friend is being very generous with her time. Constituents have come to my surgeries in tears, fretting about what will happen to them and their jobs. Does she agree that it is not a British value to use people as bargaining chips in the negotiations?

Ms Harman: I absolutely agree with my hon. Friend.

John Penrose *rose*—

Ms Harman: I will give way just once more.

John Penrose: The right hon. Lady is sending out a powerful message about British values and—this point is shared across the House—about giving certainty to EU nationals living here. May I press her, though, on the need to be careful not to send a message to British nationals living in the rest of the EU that they are somehow less important? Their concerns are equally valid and severely felt, and we are equally worried about what is happening to them. Are we not going to address or take account of any of those issues today?

Ms Harman: We simply cannot trade one off against the other like that. This is not an economic trade negotiation.

The new clause is quite simple. It would provide that the rights of residence of EU citizens who were lawfully resident here before the referendum decision on 23 June remain unchanged. We need the clause in the Bill because the Government have been sending out mixed messages, and the Prime Minister did so again in her statement today. On the one hand, she says that anyone who is lawfully here has nothing to worry about. On the other hand, she says that she cannot commit to giving them residency rights because their future must be part of the negotiations.

It is in no way right to use the lives of 3 million people and their families as a bargaining chip. They and their families are not pawns in a game of poker with the EU. They cannot be used as a human shield as we battle it

[Ms Harman]

out in Europe for our UK citizens in other countries. We must decide what is fair and right for EU citizens here, and then do it. I thought we were supposed to be taking back control. If the Government reject the new clause, EU citizens will be right to draw the conclusion that their rights to continue to live here could be snatched away if our Government do not get what they want for our UK citizens living in each of the other countries in the European Union.

The new clause is not only the right thing to do as a matter of principle; it is legally necessary. The Government cannot bargain away people's human rights. The right to family life is guaranteed by article 8 of the European convention on human rights. If the Government bargained them away, EU citizens living here would be able to go to our courts and seek to establish their rights to remain under article 8. If even 10% of those here did that, there would be 300,000 court challenges. There is no way that our court system could begin to cope with that. I hope that the Government accept the new clause. If not, I urge hon. Members of all parties to support it in the Lobby.

Sir William Cash (Stone) (Con): My right hon. Friend the Member for West Dorset (Sir Oliver Letwin), who was in the Chamber a short time ago, made an important point about new clause 3. When imposing legal requirements and duties on anybody—let alone the Prime Minister—one has to be sure that those requirements are capable of being realised. My right hon. Friend the Member for Forest of Dean (Mr Harper) and other hon. Members have dealt comprehensively with the difficulties that arise from the part of the new clause that mentions laying “periodic reports...on the progress of the negotiations”. I think that case has been made.

Let me move on to the next part. The real problem is subsection (c), which would

“make arrangements for Parliamentary scrutiny of confidential documents.”

As Chair of the European Scrutiny Committee, I have had an enormous amount of trouble, over and over again, about documents that are marked as “LIMITÉ”. Although such documents are distributed, Parliaments other than the European Parliament are not allowed to refer to them because they are of a confidential nature. I have made it quite clear that I think some of this is overdone. However, to try to impose a legal duty on the Prime Minister to undertake to break the rules relating to *limité* documents is stretching a point to absurdity.

Clive Efford: I ask the hon. Gentleman the same question that I asked the right hon. Member for Forest of Dean (Mr Harper) earlier: should he not be arguing, as somebody who has spent a great deal of his time in Parliament scrutinising the European Union, for Members of this House to have rights of scrutiny that are at least equal to those held by Members of the European Parliament?

Sir William Cash: I have enormous sympathy with that. In point of fact, the Secretary of State for Brexit gave evidence in the House of Lords, where, as I understand it, he made it abundantly clear that any document that would be made available to the European Parliament and its committees would, indeed, be made available to

this House. To that extent, I agree with the hon. Member for Eltham (Clive Efford), but I believe such a measure to be unnecessary because an undertaking has already been given by the Secretary of State.

Sir Hugo Swire: New clause 3(c) would

“make arrangements for Parliamentary scrutiny of confidential documents.”

Given my hon. Friend's wide experience, for how long does he think the contents of those documents would remain confidential if they were made available for wide parliamentary scrutiny?

Sir William Cash: Well, they certainly would not. That is really the purpose of the *limité* restriction. Although I have reservations about the restriction in certain cases, I can think of a number of instances in which it is absolutely vital that the documents remain confidential. If there were any breach of that confidentiality—there would have to be an undertaking by the Prime Minister that she would release it—it could gum up the works to such an extent on matters of intelligence, security and all sorts of things that we would actually end up not receiving any *limité* documents at all.

With great respect, the hon. Member for Greenwich and Woolwich (Matthew Pennycook), who led from the Opposition Front Bench, may or may not have been dealing with these matters for some time, and I will not criticise him for that—[*Interruption.*] No, this is a perfectly fair point. All I am saying is that, in drafting this, if we end up with something that does not work and we have to comply with new clause 3(a), (b) and (c) to make it work, as my right hon. Friend the Member for West Dorset said, we would end up in the courts—and there would be a judicial review, believe me. It naturally follows that the new clause is simply nonsense, so it cannot be brought into effect. That is all I need to say about it.

Stephen Gethins (North East Fife) (SNP): My hon. Friends and I have also tabled some amendments. I am glad that we have the opportunity to discuss and debate the Bill over the coming days, although we have been given very little time in which to do so. It is fair to say that this is not scrutiny that the Government either welcomed or encouraged. It is good to have at least a short opportunity to debate this issue, although that has more to do with the Government's confidence in their own arguments and their ability to deliver a better deal with our EU partners than the one we have at present than it does with a scrutiny process. The Government were dragged kicking and screaming to this Chamber just to have a vote on article 50 in the first place.

6 pm

On Thursday, we saw the White Paper as the Secretary of State was getting to his feet, which was pretty disrespectful of the entire House. That failed to put my mind at ease—I am sure it failed to put the minds of many other MPs in the Chamber at ease—about the way in which the Government are conducting this process. The White Paper is something of a metaphor for the entire Brexit process; it was rushed, without time for proper scrutiny, and it did not even get all its facts right, which is quite remarkable, given the time the Government had to prepare it.

This Brexit process could not be more important. It is one of the most important processes anybody in this House will ever take part in—it is certainly more important than a debate about wigs or the other crucial issues Government Members want to debate. This process will have an impact on us all and on all our constituents, given the health of the economy, and the jobs and taxes that are generated as a result.

Against some fairly stiff competition, some people have argued that the craziest political decision of 2016 was the one to elect Donald Trump President—incidentally, my colleagues and I welcome the Speaker's announcement today. However, while the good people of the United States of America have the ability, should they wish to do so, to reverse the decision they made in November, there is no likelihood that we will be able to reverse the decision we made any time soon. Although four years' time might seem a long way away for many in the United States, the mistakes made by the Government here, and any lack of scrutiny as a result, will be felt down the generations by policy makers in this place.

Given that this is such a big decision, our ability to have any meaningful scrutiny is woeful. Regardless of the vote, the role of Parliament is to scrutinise the work of Government. That is the entire point of our sitting here and having a Parliament in the first place.

I remind Conservative Members that the SNP won the election earlier this year with 47% of the vote. [HON. MEMBERS: "Last year."] Actually, the Holyrood election took place this year. That tells us all we need to know about the attention they pay to these things. We won the vote with 47%, but in 2015, the Conservatives won the election with 36% of the vote, and I am particularly pleased to say that Scotland dragged down their UK average by some considerable degree.

However, the role of Opposition parties, be it in Holyrood or in this place, is to hold the Government to account for the enormity of their decisions, which impact on each and every one of us. The process of leaving the European Union will involve one of the greatest upheavals since this Parliament came into existence in 1801. We should be given a lot more time to consider the implications for our constituents, the economy and our European partners. That is why SNP Members will back any moves to give Parliament greater scrutiny over this process.

That scrutiny is all the more important because of the lack of detail provided by members of the Vote Leave campaign—an act of irresponsibility by Members who were in the Government previously and by Members who are in the Government at present. Significant questions were left unanswered during the debate on the referendum, and since Vote Leave did not bother giving us the details, we have a responsibility as parliamentarians to ask for those details.

One question is: will we stay in the single market? The Prime Minister's speech obviously differs from the Conservative party manifesto, on which she and other Conservative Members were elected. Will it be for Scotland to decide its immigration numbers? How much extra cash is the NHS getting? We deserve answers to all these questions before article 50 is triggered. Who is accountable for the promises that were made? I have not received an answer so far, and I have not heard other Members receive one.

A number of my colleagues will want to touch on the point about EU nationals, and it is easy to see why we back the proposals to give them the right to remain. We are richer financially and culturally as a result of European nationals calling Scotland and other parts of the UK their home.

Ian Blackford: My hon. Friend is making some very valid points. Will we not also be judged on the leadership we give and on our humanity? Those EU citizens who are here are our friends, our neighbours and our work colleagues, and we have a duty to stand by their rights. The Prime Minister must send a clear message that those who are here are welcome to stay. We must remove the uncertainty, and do it now.

Stephen Gethins: As usual, my hon. Friend makes a very pertinent point. I pay due respect to the work he has done for the Brain family and others in his constituency in some of the disgraceful immigration cases we have seen. These EU nationals have chosen to make the UK their home and Scotland their home. They make this a better place in which to live and work. It is a no-brainer that we should give them the certainty they deserve.

Tom Tugendhat (Tonbridge and Malling) (Con): The hon. Gentleman is making a very cogent and well-structured argument, and I broadly agree with many of the points he is making, but would he not agree that this is really a Mexican stand-off with water pistols? There is no realistic chance that any signatory of the European convention on human rights—the United Kingdom is one; in fact, we drafted much of it—will kick out anybody. We are not going to kick out anybody from the United Kingdom, and nor are UK citizens in other parts of the European Union going to be expelled. Would it not be better for the House to recognise that the position of these EU nationals is not at risk? Would we not be much better off comforting those who are in doubt, rather than spreading fear?

Stephen Gethins: The hon. Gentleman makes my point for me. The ECHR is under threat from this very Government, so does it not make sense to come into the Lobby with us to support the right of EU nationals to live and work here? I look forward to his standing up for what he has just said and joining us in the Lobby.

Tom Tugendhat: Will the hon. Gentleman give way?

Stephen Gethins: No, but I will say this to the hon. Gentleman, because he probably has a lot more influence on the Government Benches than I do—that is one thing I will give him. The Government are desperately in need of friends and good will. If we benefit financially from EU nationals being here, and if our society is richer for their being here, we want to keep them regardless—they are not bargaining chips, but that is something the Government seem to ignore. If EU nationals are not bargaining chips, I would encourage him to join us in the Lobby and give them the certainty they need and deserve.

Roger Mullin (Kirkcaldy and Cowdenbeath) (SNP): The situation is even worse. While accepting what the hon. Member for Tonbridge and Malling (Tom Tugendhat) said, pitting Elke Weston, an EU national in my constituency,

[Roger Mullin]

against my friend Tracy de Jong Eglin in the Netherlands does not in any way give them succour; it makes their situations worse.

Stephen Gethins: My hon. Friend makes an excellent point, and I am not surprised, given the amount of hard work he has done for EU nationals in his constituency.

If Conservative Members are so confident in the ECHR, which they now promise us they are, I look forward to the hon. Gentleman voting against his own Government. I do not trust Conservative Members entirely, but if there is not a problem under the ECHR, he and his colleagues will have absolutely no problem joining us in the Lobby.

We will debate the devolved process in the next tranche of proposals, but let me just say this about scrutiny. All this will have an impact on the devolution process, be it in Scotland, Wales or Northern Ireland. If Ministers respect the devolution process, they should have no problem with the additional scrutiny that comes with it. Right now we are in a situation where the unelected House of Lords will have a greater say on this process than the elected Scottish Parliament and other devolved legislatures. No Government, regardless of their colour, have a monopoly on wisdom. The whole point of having a Parliament is that we scrutinise, with the courage of our convictions, and this place makes a contribution. If this Government are confident in what they are doing—or know what they are doing and have any kind of a plan—they should welcome scrutiny in the Chamber here and then elsewhere in these islands, because fundamentally that scrutiny will provide better legislation. On something of such enormity that we are about to undertake, they have a responsibility for it to be scrutinised as much as possible.

Let us not underestimate the impact of the decision that we are about to make this week. It will impact on our rights, on our economy, and on each and every one of us. We will encourage the strengthening of anything that increases scrutiny of this process. The Government's record so far has not been good. I am not heartened by what I have seen, with a White Paper that was rushed out and could not even get its facts right. We therefore owe a debt of responsibility to people across the UK—and, indeed, beyond—to have more scrutiny than we are promised and more than we have at present.

Several hon. Members *rose*—

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): Order. Before I call the next colleague, let me say that it will be obvious to the Committee that a great many people wish to speak. There are in excess of 50 new clauses and amendments to be discussed, and we have two hours and 45 minutes left to do so. I hope that Members will be courteous to others and keep their remarks as brief as possible. I appreciate that these are complicated matters, and it is good to have interventions and proper debate and discussion, but let us avoid repetition and rhetoric for its own sake.

Mr Kenneth Clarke: On a point of order, Mrs Laing. It is quite obvious that the programme order will not allow for proper debate by the vast majority of Members.

I have never known a debate on any European issue be given such limited time before. Has anyone approached you and asked to re-address the programme order so that we can have the sort of sensible, protracted discussion of these issues that we have had almost to excess on previous occasions such as the debates on the Maastricht treaty?

Mr Harper: Further to that point of order, Mrs Laing. When I considered the Government's programme motion, it seemed to me that for a two-clause Bill, two days—extraordinarily—on Second Reading and three full days of protected time to allow us to sit late where there are statements was, if anything, an excess of generosity.

The First Deputy Chairman: The former Chief Whip makes a very good point. It is not a point of order for the Chair, but one that I would expect a former Chief Whip to make.

Let me set the mind of the right hon. and learned Member for Rushcliffe (Mr Clarke) at rest on two points. First, although there are in excess of 50 amendments and new clauses, some of them address the same points as others, so we are not addressing more than 50 separate points of debate. The other point that I draw to his attention is that the House voted for and supported the programme motion, and that is not a matter for me. I am sure that I can now rely on Sir Hugo Swire to address the Committee briefly and pertinently.

Sir Hugo Swire: I shall seek not to detain the Committee for too long so as not to repeat many of the arguments that hon. Friends and colleagues have made and will no doubt make again and again throughout this evening.

I wish to talk about the two new clauses that have dominated proceedings to date, one rather less emotional than the other. The unemotional one, I would submit, is new clause 3. We have talked about parliamentary oversight of the negotiations and heard the word “scrutiny” banded around across the Chamber. I sometimes get the impression that some in this Chamber would seek to scrutinise every single line, cross every “t” and dot every “i” of the Government's negotiating position. It would be interesting to conduct a straw poll as to how many Members in this Committee have ever taken part in a proper negotiation—a commercial negotiation—that requires, at times, one to keep one's cards close to hand before declaring them. It is impossible, irresponsible and unthinkable to have to negotiate this in public, and particularly so to insert clauses such that anything discussed must be reported back to this House at intervals of

“no more than two months”—

eight weeks—each and every time. The new clause does not say what Parliament might then do if it does not like what the Government are reporting back. Do Members want a vote on it? We have heard about the possibility of legal involvement—judicial review. This is wholly unrealistic and undesirable.

6.15 pm

New clause 3(c) says:

“make arrangements for Parliamentary scrutiny of confidential documents.”

I have already alluded to that today. There are ways in this House whereby Privy Counsellors and so forth can see sensitive information, but it is wholly unrealistic to

think that the whole House would be able to examine and scrutinise confidential documents without their leaking pretty quickly on to Twitter or Facebook, or into the national newspapers. How can one possibly conduct any sort of negotiations, particularly as difficult and sensitive as these are set to be, in the glare of publicity, revealing confidential documents to each and every Member of this House—and no doubt there would be calls to do the same for the devolved Administrations? That would be completely crazy.

With regard to new clause 6, on the other hand, I have considerable sympathy with those who have spoken about the uncertainty surrounding the status of EU nationals in this country as these negotiations begin. It is unsettling for a lot of these people. It is true that they contribute enormously to society—to our public sector, including the health sector, our agricultural businesses, and so forth. We need them here, and I do have considerable sympathy with their predicament.

Dr Murrison: I entirely agree that we need to sort this out very early on. Indeed, our right hon. Friend the Prime Minister said precisely that only a short while ago. Does my right hon. Friend the Member for East Devon (Sir Hugo Swire) agree that part of the issue is the unwillingness of some of our interlocutors to engage in meaningful discussion prior to the triggering of article 50? This is surely a matter that can be dealt with early on, but that requires them to engage immediately and not to delay until the triggering of article 50.

Sir Hugo Swire: I do agree, because this cuts both ways. It is cheap politicking to talk about bargaining chips—I do not think anyone is considering that—but this does require an early resolution. I was heartened when my right hon. Friend the Prime Minister said earlier today that she intended to address it early on, but it has to be a negotiation between the other countries of the EU and us. It is just as important to us, as British parliamentarians—as the British Government—to defend the rights of British citizens living overseas. There are a lot of them, and not all of them are particularly contributing to the society they are in. A lot of them are retired, so they are even more vulnerable, in a sense, than many of the EU workers who are here actively working. It is the first duty of this House to look after British citizens, wherever they may be, while also being aware that we have a duty to EU nationals at the same time.

It would be completely wrong in terms of our negotiating position to declare unilaterally that all EU nationals can, up to a certain date, continue to live here without fear or favour. That would be unwise until such time as we can extract a similar agreement from the other countries of the EU where British nationals have lived, sometimes for very many years.

Mr Kenneth Clarke: I am delighted to hear my right hon. Friend agree in ringing tones with what everybody has said so far, namely that absolutely nobody in this House wishes to cast any doubt on the right of EU nationals to continue living lawfully here if they are lawfully here now. Apparently, the only reason for his holding back—despite the fact that he entirely shares the sentiments of Opposition Members—is that he fears that if we declare that a Pole who has been living here for years can stay here, we will have thrown away our card and British

nationals will be expelled by the Government of some unknown country. I have heard nobody suggest that any such country exists.

We have a pedantic problem of whether we can raise the matter before the process has started. If we just cleared the position of our EU nationals now, it would put the utmost pressure on every other country to clarify the thing as well. No one is going to take any reprisals against our British nationals.

Sir Hugo Swire: I hope my right hon. and learned Friend is right. He has not always been right about everything, although he has been right about quite a lot. He and I were on the same side of the debate, and I know that he regrets, as I do, the fact that in all the discussions about migration and immigration during the campaign, some rather irresponsible points were made repeatedly about who would be able to come here from the Commonwealth, when there was absolutely no suggestion that that was behind anyone's thinking. However, I fundamentally disagree with him in that I do not think that we should do anything unilateral before we get an agreement about the rights of British nationals living in the rest of the EU.

Mr Shailesh Vara (North West Cambridgeshire) (Con): Does my right hon. Friend share my view that if the matter is as simple as some make out—if it is just a question of us making a simple declaration—why have the other 27 countries of the European Union not said that our citizens who are living overseas will be fine, and that there will be no repercussions for them? The fact that those countries will not make that commitment says something, does it not?

Sir Hugo Swire: It may do, or it may not. As my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) has said, there is no evidence to suggest that a single country would not behave in a good way. But there is absolutely no evidence that they will all behave in a good way; we simply do not know, because we have not yet had that conversation. Until we have had that debate and secured an agreement that similar rights will be granted to British citizens living in other EU countries, we should not move to allow every single EU national who lives here to continue doing so.

Heidi Allen (South Cambridgeshire) (Con): If the cynics among us genuinely believe that there could be countries out there that are not prepared to do this, should we not now, more than ever, lead by example?

Sir Hugo Swire: I do not know whether my hon. Friend was here earlier when the Prime Minister was asked about the matter. The Prime Minister gave a very strong suggestion that securing such a deal was at the top of her negotiating priorities. At the end of the day, it is an agreement—it is a deal—and it has to be negotiated. I do not think that we would be right unilaterally to declare anything.

Ms Angela Eagle (Wallasey) (Lab): Does the right hon. Gentleman not think that a unilateral declaration would undo some of the damage that was done by the “list of foreign workers” stuff that came out of the Tory conference in Birmingham? That shocked a lot of our European partners and hardened their views against us. Surely a unilateral declaration might help.

Sir Hugo Swire: I agree with the hon. Lady that language and sensitivity are incredibly important. We are dealing with families, and with people who are married to EU citizens. We are dealing with people who live here and who do not know whether they have a future here. That is why we have to resolve the matter very early on. I have considerable sympathy, as I have said, with many people who have spoken about the contribution that EU nationals make. I very much hope that we can reach an agreement that will satisfy all who are here but, equally, I think that our first duty is to look after our citizens abroad.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): The right hon. Gentleman has talked about the issues faced by British citizens whose partners are EU nationals, but does he agree that we are also talking about children? I have seen children in my constituency raise real concerns about whether they will be able to study in the same school, and about where their future will be. They do not know the country that their parents came from, and they are British in every sense of the word. This is causing huge uncertainty. We can tackle this, and we can do it this week.

Sir Hugo Swire: We can all cite examples from our surgeries of individual cases, but I am not sure that to do so contributes to the greater argument. We need to get a policy in place that covers the whole thing. That can only be achieved by the Prime Minister making it a priority, as she has suggested she will, and getting an agreement from the other member states that involves the reciprocity we need for our British people living abroad.

Dr Sarah Wollaston (Totnes) (Con): My right hon. Friend is absolutely right to be concerned about the fate of British citizens living in the European Union, but I agree with others who have said that, surely, a goodwill gesture would be a really positive thing for this Government to make. Two of my constituents are a married couple who have been living together in this country for 30 years, and I consider the wife to be as British as anybody else. We should make it absolutely clear that it is inconceivable that this couple should be separated, and that their children should be left with separated parents.

Sir Hugo Swire: Indeed, and no doubt there are similar examples of British people in not-dissimilar situations in Spain, France and elsewhere. We need to ensure that their rights are recognised as well.

I am not going to continue in this vein, because others wish to contribute. I have made my point. I have sympathy with the view that EU nationals contribute a lot to the economy. I hope that there is an early agreement that allows them to stay and to continue to work here. Equally, any such agreement, to my way of thinking, has to be part of a wider agreement that assures the future of British nationals living in other EU countries.

Hilary Benn (Leeds Central) (Lab): I rise to support new clauses 3 and 57. I commend my hon. Friend the Member for Greenwich and Woolwich (Matthew Pennycook) and my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman) for their speeches. The one thing I would add to the forceful case made by my right hon. and learned Friend

is this: when the Exiting the European Union Committee took evidence from representatives of Brits living abroad, one might have expected them to make the argument that has just been advanced, but they said the opposite. They said that Britain should give a unilateral commitment now, because they felt that doing so would ease the process of negotiation.

Richard Fuller (Bedford) (Con): I was not at that Committee hearing, and I am quite interested to know whether evidence was taken from ambassadors of EU countries about their Governments' positions as part of the inquiry.

Hilary Benn: No, we have not taken evidence from ambassadors, but we have heard what has been said from the Government Dispatch Box, namely that—from memory—almost all member states are up for this, apart from one or two. We do not yet know who the one or two are, and I hope that they will change their minds so that we can make progress.

I want to address the arguments we have heard thus far in relation to new clause 3. My hon. Friend the Member for Lewisham East (Heidi Alexander)—she is no longer in her place—asked the right hon. Member for Forest of Dean (Mr Harper) whether we should be able to have a vote on certain aspects of the nature of our withdrawal. He said no, because during the referendum campaign it was made clear by leading participants what would happen if we voted to leave, and therefore it is gospel and we cannot argue with it. That is a very interesting argument. On that basis, the NHS will be getting £350 million a week, because that, it was said, would be the consequence of a leave vote—but I will leave that to one side.

The right hon. Gentleman's central argument, which he made at the beginning of his speech, was to ask what new clause 3 added. I say to him sincerely that it adds accountability. It has been argued that the new clause is unnecessary because the Government are already doing what it would require. If that is true, I would ask why there is a problem with the Government accepting it.

The argument was made that the Government would be forced to reveal all sorts of stuff. All that the new clause says is that the Prime Minister

“shall give an undertaking to...lay before each House of Parliament periodic reports”.

The content of those reports will be for the Government to determine. There is nothing in the new clause about forcing the Government to reveal their hand. When it comes to getting in English the documents that the European Commission is giving to the European Parliament—probably in English, while we still have MEPs, and in the other languages of the European Union—surely there cannot be any argument about that at all. It is entirely sensible.

On the point about confidential documents, I listened carefully to what the right hon. Gentleman and the hon. Member for Stone (Sir William Cash) said. I raised the matter with the Secretary of State when I was first elected as the Chair of the Select Committee, and he replied to me in a letter that

“negotiations will be fast moving and will often cover sensitive material, so we will need to find the right ways of engaging Parliament.”

I welcomed that reply. All that new clause 3 says is that the Prime Minister shall

“make arrangements for Parliamentary scrutiny of confidential documents.”

The arrangements are for the Government to propose. Given the extent to which Brussels is a very leaky place and the fact that we will be negotiating with 27 other member states, I cannot help making the point that I suspect we will find out very shortly after the meeting has concluded where the negotiations have got to, so the Government’s arrangements will be to advise us all to buy certain newspapers, in which one will be able to read what was discussed during the course of the afternoon and evening.

6.30 pm

Sir William Cash: The main point I was making, and I stand by it, is that new clause 3 imposes a legal obligation, enforceable by judicial review, on the Prime Minister effectively—and not just effectively, but actually and legally—to break the confidentiality imposed by, for example, *limité* documents. As I have said, I do not always subscribe to such degrees of confidentiality, but that is a personal view. The fact is that there is confidentiality, and it is a legal obligation.

Hilary Benn: I would say to the hon. Gentleman, who has great experience in these matters, that we know the Commission, in respect of trade negotiations, made arrangements with the European Parliament for certain documents to be made available, including in rooms where people could go and read them but could not take them away. The new clause is asking the Government to find a way of making this work in a way that is consistent, as of course it has to be, with any legal obligations, but confidentiality does not seem to me to be a very strong argument.

The argument that the new clause would make it all justiciable does not seem very strong either. Frankly, on that basis we might as well all go home tonight and never come back because Parliament legislates, and when Parliament legislates people can go to the courts and seek to suggest that the way in which the legislation is being implemented is not correct. That is not an argument against new clause 3, but against Parliament doing its job.

Having listened to speeches made by Conservative Members, I would gently say to the Minister of State, who is a reasonable man, that I hope he will not get up and repeat the arguments we have heard on new clause 3. Frankly, it is really simple and sensible stuff to help Parliament to do its job. On the frequency of reporting, as the Minister will know, when my hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) suggested every two months, the Secretary of State got up and said that that might be a rather modest objective. If it is a modest objective, I really do not see how the Government can oppose it.

Alberto Costa (South Leicestershire) (Con): I do not propose to speak for more than a few minutes. I have been wrestling with this matter for months, and in particular I have wrestled with it over the course of the weekend. This matter affects my constituents in South Leicestershire—and not just them—many of whom have come to see me to explain the problems, for example about children at school, which has been mentioned by other hon. Members.

I was the son of Italian immigrants in Glasgow in the 1970s, and I remember how it felt to be the only son of an immigrant in a classroom full of Scottish people. I do not want any EU national child across the United Kingdom to feel the way that I felt at times in school in the 1970s. However, there is more than simply anecdotal evidence that the situation now caused by Brexit is affecting the wellbeing of families. Such concerns have been raised by my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), a fellow east midlands Member for whom I have nothing but the utmost respect. As I have argued with colleagues in the Chamber—we should be saying it far more loudly—EU nationals have contributed an enormous amount to the success and wellbeing of our United Kingdom, as did my parents over 50 years. I want to hear Members say that daily.

It was often said during the EU referendum that there was perhaps a cost consequence to having the 3 million-plus people from every one of the member states who have integrated here. I always believed that that was utter rubbish. We have benefited as a country by having immigrants come into the United Kingdom. The fact is that we will continue to benefit, because when all of this is over, we will still continue to have EU migrants coming into this country. The difference will be that this Parliament and Government—Conservative, Labour or otherwise—will determine the immigration rules. I cannot possibly foresee a situation where a competent British Government would attempt to reduce immigration to levels that would damage our economy. That leads me to a point made in a newspaper recently by an hon. Friend of mine about a promise made in the Conservative manifesto that we have not kept and cannot keep. We cannot get immigration down to the tens of thousands without damaging our economy.

However, I have decided to vote against the amendment on this matter. As I said at the outset, I have wrestled with this decision, because it affects my family personally. I will explain why I have decided to do this. Ultimately, it is because the deal that will be reached with the EU will be not just legal, but also political. It will be about personalities: about how the Prime Minister and her team get on with the other side.

Had I been Prime Minister last July, I might well have taken a different decision. However, I made a comment to the Prime Minister today in which I made it very clear that I am putting my entire trust in her and her Ministers to honour the promise that they are giving to the country about getting an early deal. I said to the leader of my party that it would be “a decisive mark of her negotiating skills and leadership qualities as our Prime Minister.” I believe that she will get a reciprocal deal that benefits citizens from Scotland, Northern Ireland, England and Wales who live in other EU member states, and that protects my own family and friends, my own constituents and other EU nationals across the United Kingdom.

That is why I will vote against the amendment. Ultimately, it is a political matter, and it is for the Prime Minister to demonstrate her leadership and negotiating skills in getting this right, and coming back to the Dispatch Box within months—I repeat, within months—of triggering article 50 with an early deal on which we can all agree and for which we can thank her, that will be to the benefit of all our constituents living abroad and the benefit of EU nationals living in our constituencies.

Heidi Allen: I am just curious. I support the Prime Minister's intentions and most definitely her sincerity in aiming to achieve such a deal, but does my hon. Friend agree that if that moment does not come as soon as she would like, she should review the idea of unilaterally offering EU citizens their rights and just put everybody out of their misery, because that is the right thing to do?

Alberto Costa: Again, I repeat the comment I made to the Prime Minister that it would be "a decisive mark of her negotiating skills and leadership qualities as our Prime Minister." She must come back to the Dispatch Box early on with such a deal.

Mr Harper: I am grateful to my hon. Friend for the conclusion that he has reached. The other thing the Prime Minister demonstrated when she was Home Secretary is her attention to detail. As I tried to set out for the Committee, this is actually a more complex matter than it at first appears. It is not just that the Prime Minister needs to get the principle right; she and her Ministers and officials need to get the detail right to ensure not only that my hon. Friend's family and others like them have security now, but that there are no unforeseen consequences for them in the future. I think that he has made the right decision.

Alberto Costa: I absolutely agree with my right hon. Friend, but a promise has been made about an early agreement, notwithstanding the complexities of the matter. As a lawyer—I am a former corporate lawyer—I know that when my clients came to me asking for me to negotiate, I had to offer solutions to problems. If I did not get the deals that my clients wanted, I would not have been used frequently by those very clients. It will be a mark of our leader, our Prime Minister, if she gets the early deal that she is promising our country, and that is why I am supporting her this evening.

Stella Creasy (Walthamstow) (Lab/Co-op): The hon. Gentleman has obviously made a personal decision on this matter. He uses the analogy of being a lawyer and going to negotiate a deal, but does he not accept that the Prime Minister could just settle and give every EU national in our country right now the right to be here, without any further delay? There is an alternative attitude that would also deliver for his client, is there not?

Alberto Costa: As I mentioned, had I been Prime Minister in July, I might have started the whole process very differently.

I entirely agree with the right hon. and learned Member for Camberwell and Peckham (Ms Harman) about the consequences of not getting an early deal on this matter. The consequence would be a tsunami of litigation against the Government. Politically, therefore, an early deal must be brought to this House. That is why I trust the Prime Minister to get that early deal.

The role of Parliament is also a political matter to which Ministers should give serious consideration. The European Parliament has a substantive role in the negotiations that we do not have. Some would say that the primary reason for that is that it represents 27 other nations, whereas we represent one sovereign country as the British Parliament. However, if we hear comments from the media, reporting on what European parliamentarians

are being told about what our ministerial negotiating team are saying in Europe, it would become farcical if our Government did not report back to us.

Hilary Benn: Exactly.

Alberto Costa: I do not see a need to force the Government to do that. It would be politically impossible for the Government to function responsibly and appropriately without giving us at least the same information that we will be receiving from the media and the European Parliament. Again, it is a matter of politics and we should not bind the hands of the Government in a statutory manner that could be justiciable. That is why I trust my Government to come back to the House with sensible updates, no different from the updates that the European Parliament receives, so that we can continue to debate and discuss the matter.

Mr Kenneth Clarke: My hon. Friend is on the right side of all these arguments, but he is a very trusting man. Does he not realise that the background to all this is that when the European Commission started negotiating the EU-US Transatlantic Trade and Investment Partnership, it took exactly the same line that the Government are now taking—that it could not possibly disclose any of these things as it would compromise the negotiations? The fact is that the European Parliament now gets the information because it was less trusting and is made of sterner stuff than this Parliament has so far proved to be. I do not think that that is in accordance with our parliamentary traditions.

Alberto Costa: I respect the judgments and comments of my right hon. and learned Friend. However, I read his recent article about his own thoughts on his first term in Parliament and how he would have dealt with a similar matter. I will leave it at that.

I have listened carefully to the valuable and honourable comments that have been made on this matter, particularly by Opposition Members, but I will support my Government and I will hold my Government to account in a way that I never see Opposition MPs from Scotland holding their Government to account.

Chris Leslie (Nottingham East) (Lab/Co-op): It was touching to hear the hon. Member for South Leicestershire (Alberto Costa) talk about his hope and aspiration that EU nationals will be allowed to remain indefinitely, and of course he is right on that, yet he betrayed a little bit of fear of offending his Front Benchers were he to go so far as wanting to enshrine those rights in the Bill.

I commend my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman) for new clause 57. It is important and would provide the assurances that many tens of thousands, if not hundreds of thousands, of people residing in this country require. I tabled a similar new clause—new clause 14—which I hope the Committee will support.

The context of this debate, for which more than 50 substantive amendments on distinct and specific issues of great importance have been tabled, is the contrast between the desire of Members to raise these issues and the nonsensical four hours in which they have to be considered. There is something like four minutes for each topic. Nothing could demonstrate

more clearly to Members in the House of Lords how important it is that they do the due diligence on this Bill that the House of Commons will clearly not be able to do.

6.45 pm

This is one of the most important pieces of legislation in our time: the European Union (Notification of Withdrawal) Bill. Let us just remind ourselves what we are talking about. It is a Bill that, although it may contain just a simple clause or two, will have phenomenal ramifications for all of our constituents. If we fail to address those in proper detail, we are failing in our duty to scrutinise the Government in a serious way.

Stella Creasy: Is it not worth noting that when it came to debating the Lisbon treaty and the Maastricht treaty, 30 days were allocated to discuss the issues in the House of Commons alone? Five days is a very poor comparison.

Chris Leslie: My hon. Friend is completely right. This Bill is far more important than all those treaties wrapped together, because it is about withdrawing from the European Union.

What made the situation worse was the White Paper we had from the Government. Let us not forget that it came the day after the vote on Second Reading. That was pretty shocking and quite contemptuous of the rights that the House of Commons should have. It is a lamentable document because of the lack of information it contains on so many of the important issues on which I and other hon. Members have tabled amendments.

We should use the time we have today to talk about what we need to know and to ask the Government what their plan is. That is why I will briefly go through some of the new clauses I have tabled. For the sake of argument, let us take the first one, new clause 20 on financial services. One could say that it is merely a small corner of Britain's GDP, but it provides £67 billion of revenue for all our schools and hospitals. If we mess around with that sector in the wrong way, we will all be poorer and our public services will be poorer as a result.

New clause 20 suggests that there should be a report twice a year on where we are going on one of those questions that was not contained in the White Paper: "What is our progress towards a smooth transition from the existing open market access, where we have passports, to the new arrangements, whatever they are going to be?" The White Paper merely says, "We'd quite like to have the freest possible trade," but it says nothing about what will happen on mutual co-operation, regulation and oversight; whether we will be able to have permanent equivalence rights for some trades; or whether UK firms will have time to adjust.

Those issues already pose a clear and present danger to our economy. HSBC says that 1,000 jobs are going to go, Lloyd's of London is moving some of its activities, UBS is moving 1,000 jobs, and J.P. Morgan has said that potentially 4,000 jobs will go. Firms are voting with their feet already, yet the White Paper hardly touches on this question.

Ian Murray (Edinburgh South) (Lab): I pay tribute to my hon. Friend for his diligence on this Bill and for tabling these important new clauses. If we boil it all

down, this is not about passporting and the complicated legal framework around financial services, but about the tens of thousands of my constituents who are in highly skilled, highly paid jobs in the financial services sector and who are worried about their future employment.

Chris Leslie: Absolutely. When hon. Members are asked by their constituents, "What time did you have to debate financial services?", they will have to say, "There was only a couple of hours or maybe just a few minutes. I didn't say anything about it because of the ridiculous programme order that we put in place to curtail debate."

Ian Paisley (North Antrim) (DUP): Is it right that the hon. Gentleman talks down the City of London in this way? We all know about the threats that have been made, but not one of those jobs has left the City of London. The fact is that, given a choice between London, Frankfurt, Dublin or Paris, those companies will choose London every time.

Chris Leslie: I really hope that that is the case. I absolutely share the hon. Gentleman's aspiration, but he should look at the press releases from HSBC, Lloyd's of London, UBS and J.P. Morgan. These are not alternative facts; this is the real truth. These are people's jobs and this is revenue for our country that we will potentially lose.

Neil Coyle (Bermondsey and Old Southwark) (Lab): It is not talking down the City of London to highlight the report by TheCityUK emphasising that the best-case scenario, under the Government's plan, is for 7,000 jobs losses, but that the worst-case scenario could be more than 70,000 job losses. That is not talking the City down but making the economic case for securing the best deal.

Chris Leslie: These are the realities we face.

Mr David Lammy (Tottenham) (Lab): Is it not my hon. Friend's point that we are now a service economy? The service sector accounts for 88% of London's economy, and the service sector can move. Prior to our joining the EU, we had things in the ground and we were a great manufacturing nation, but that is not the case today.

Chris Leslie: That is another issue that deserves a massive amount of consideration, but we just do not have the time to go through it today.

I will move on, then, to new clause 22, on competition policy—another small area of policy! The White Paper says absolutely nothing about what the UK will do, upon our exit from the EU, in respect of competition policy. It is totally silent. Will we change our attitude towards state aid for industry? What will our state aid rules be? If we make a change, will our trading partners balk at the idea that we might be subsidising products in a particular way? Will we be undercutting their production? Would we not wish to do that? Will we take on the WTO disciplines on subsidies? Will we join the EEA scheme on subsidies? What about state aid rules, competition policy and the European Free Trade Association? This a big deal. I think of subjects that have come up recently such as Hinkley Point, the British investment bank and British steel. These are all questions we have to consider and decide upon. All I am saying in

[Chris Leslie]

new clause 22 is that the Government should publish a report in one month on their attitude to competition policy. It is a pretty simple measure.

I have tabled other amendments that would require Ministers to set out their aspirations, within one month of Royal Assent, on other questions that will arise as we extract ourselves from some of these European partnerships, alliances and agencies. On law enforcement, for example, what will we do about Europol? New clause 111 touches on the benefits we currently enjoy from cross-border co-operation on cybercrime, terrorism, combating trafficking and other important activities. We deserve to know the Government's approach to cross-border crime, as we do with respect to the European Police College, Eurojust, our co-operation with prosecuting authorities, the European Monitoring Centre for Drugs and Drug Addiction and the Agency for Fundamental Rights. The White Paper is totally silent on all those issues. We have no idea what the Government's plan and negotiating stance will be, and yet we do not have the time to debate these matters properly.

Mr Jim Cunningham (Coventry South) (Lab): I do not know what the Government are worried about. Anybody who knows anything about negotiations knows that each side can report back from time to time without necessarily giving away their negotiating hand. I do not know what they are scared of.

Chris Leslie: I think the Government might be scared of the debate. It also reflects their lack of awareness of the issues. The Government have not thought this through but instead are confronting issues as they bubble up, at a fairly random level, while giving a veneer of control—"We must not show our cards", "I cannot give a running commentary". Ministers use these phrases, but behind the curtain they are panicking and their feet are moving rapidly, because they do not have a clue.

Sir Hugo Swire: By logical extension, the hon. Gentleman wants to unpick almost every single part of EU policy, legislation and co-operation with the UK, bring it to the House and get the Government to set out what they want to do about them. How long does he think it would take to dissociate ourselves from the EU if we were to take that line—two years or 20 years?

Chris Leslie: It would take more than the three days that the right hon. Gentleman and his hon. Friends have given us to debate these questions. We are leaving the EU—that is what the Bill is for. He and his hon. Friends might be happy to trust the Prime Minister entirely, but Parliament is sovereign. The Supreme Court gave us this duty and said that we should do our due diligence, but the time constraints will prevent us from doing so.

I wish to raise a couple of other law enforcement issues. The big one, in new clause 177, concerns the Government's policy on the European arrest warrant. The EAW, of course, is there to make sure we can transfer criminal suspects or sentenced persons from other countries and put them on trial here, and vice versa. The UK has extradited more than 8,000 individuals accused or convicted of criminal offences to the rest of

the EU. I think of the case of Hussain Osman, found guilty of the Shepherd's Bush tube bombing in July 2005, captured in Rome, extradited under the EAW and sentenced to 40 years. In 2014, the Prime Minister herself said that ditching the EAW would turn Britain into

"a honeypot for all of Europe's criminals on the run from justice".

From the Prime Minister's own mouth! What will be our attitude towards the current level of participation? Will we want to continue with the EAW? There is nothing in the White Paper about it.

Dr Philippa Whitford: Is it not the agencies that will be the biggest problem? The Government describe moving everything over with a great repeal Bill, but what happens where that Bill refers to actions that depend on an EU agency, given that we will not have that agency?

Chris Leslie: That is the fallacy behind the reassurances to hon. Members. We are told, "Don't worry. We can come to this in later legislation. It will all be fine. The great repeal Bill will deal with these things".

Of course it will not. These are facilities and levels of co-operation and alliances that exist because of our membership of the EU, and yet we will not even have the time to debate the consequences.

I had better move on rapidly. On public health, what is the plan? What do the Government intend to do? Again, the White Paper said virtually nothing about a range of critical alliances, such as the European Centre for Disease Prevention and Control, as dealt with in new clause 113. During the outbreak of SARS in 2003, when the disease rapidly spread across several countries, we knew what to do because these EU-wide institutions and public health authorities were able to provide research and intelligence. There is nothing in the White Paper about the British Government's attitude to such pan-European questions.

What will we do about the European Medicines Agency, as dealt with in new clause 115? Currently based in London, the EMA harmonises the work of national medical regulatory bodies across a range of issues including the application for marketing authorisations, support for medicines development, patents, monitoring the safety of medicines, providing medical information to healthcare professionals and so forth. Who will take on those responsibilities? What will happen? The White Paper was totally silent on that question.

Mr Ben Bradshaw (Exeter) (Lab): The Health Secretary told the Health Committee the other day that he had already thrown in the towel on the EMA—that we were leaving it and giving up the headquarters in London, along with hundreds of jobs, meaning far slower approval of vital drugs in this country, and the loss of all our influence and all those jobs.

Chris Leslie: Yes, and, again, we have heard no strategic alternatives from the Government and have no idea what their plan will be.

Mr Pat McFadden (Wolverhampton South East) (Lab): Given that the Government have said that they will pull out of Euratom, because it is part of the EU, is not the logical extension of their position to pull out of all

those agencies? If so, why does my hon. Friend think they do not want to face up to it? Is it because they do not want to face up to the cost of duplicating the work of 30-odd agencies?

Chris Leslie: I do not think Ministers know what to say about some of these questions. They hope that because the issues are fairly low level and very specialist, nobody will spot them, but they will start to affect very many people. Myriad issues will arise.

Mr Sheerman: Is my hon. Friend aware that as a result of our leaving the EMA many jobs in the medical and drugs world will move out of Britain? I met people representing those interests only today, and they are very fearful of what will happen to British jobs.

Chris Leslie: I am afraid to say to my hon. Friend not only that he is right, but that the list goes on—the list of the consequences of withdrawing from the EU without Parliament even having the opportunity properly to debate it. Food safety is covered by the European Food Safety Authority, so we will be throwing in the towel on independent scientific advice on food chain issues and research that is currently in place through our involvement in the EFSA—and there is nothing in the White Paper about it.

7 pm

What about the E111 health insurance scheme? Hon. Members will remember that the scheme is not just for tourists, because there is the E110 for hauliers and the E128 for students. What, then, is the plan? What will happen when our constituents go abroad?

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

Chris Leslie: Oh, the right hon. Gentleman knows what the plan is for the E111.

John Redwood: If the hon. Gentleman had read it, he would understand it perfectly as well as I do. The plan is very simple. All existing laws and requirements will be transferred into good British law. If we need a different adjudicator, that adjudicator can be selected and approved by Parliament. The great news for both of us is that nothing will change legally unless and until this Parliament debates it and wants to change it.

Chris Leslie: I do not know whether the right hon. Gentleman has actually left these shores and visited other countries: we do not control the sort of health insurance and health service schemes that happen in those other European countries, but we currently have a reciprocal health insurance arrangement that provides him, his family and his constituents with a certain degree of cover. That could well be ripped up because of the consequences of the legislation that we are potentially passing—without a word from the Government and with nothing in the White Paper.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): My hon. Friend makes a very important point about the E111 scheme, because that will have a practical impact on our constituents. If my hon. Friend does not get a clear answer on that, I fear that many constituents

will be forced into buying very expensive travel insurance policies to make sure that they are covered while the scheme is left in limbo.

Chris Leslie: The consequences of this aspect and many others are myriad. I hope that the House will begin to wake up and realise that we have been sold a pup with this programme order, which does not give us enough time to discuss all this. I have to move on.

The European Chemicals Agency is another example of something that will be ditched. Companies currently have to provide information about hazards, risks and the safe use of chemicals, but we will potentially leave that agency, with nothing in the White Paper about the alternative.

Another health and safety issue is aviation. What will we do about safe skies, and the regulation of aircraft parts, engines and many other aspects? What will we do about maritime safety? What happens if shipping disasters occur on or around our shores? What is the Government's alternative? There is nothing in the White Paper.

Another minor issue—he said sarcastically—is the environment, and we will potentially leave the European Environment Agency. New clause 120 simply asks that we have a report within a month on what the Government's plans should be.

Caroline Lucas (Brighton, Pavilion) (Green) *rose*—

Chris Leslie: I want to move on, if I may.

When it comes to education, science and research issues, we will leave the European Research Council, which is very important. Hon. Members may know about the Erasmus scheme, which means that all our constituents who currently want to study abroad for a few months can have that time recognised as part of their degree, but what will happen to that scheme? There is nothing in the White Paper. It does not say anything about students in our constituencies potentially losing out very significantly. What about satellite issues, plant variety issues, locational training and all sorts of issues?

Seema Malhotra: My hon. Friend is indeed making an excellent speech and highlighting the complexity of the challenges we face. He referred to science, and I had a conversation yesterday with my constituent Clare, who is a scientist and was extremely concerned about how our collaboration will work and what projects we will be included in in the future. She was also concerned about the impact on our young people. Their future is ahead of them, and in a sense we are pulling the rug out from under their feet.

Chris Leslie: We should have the time, the space and the opportunity to discuss the consequences for my hon. Friend's constituent, but we will not. My hon. Friend will have to tell her constituent that we did not have enough time in the House of Commons. Fingers crossed, there might be time for the House of Lords to do some of this work and put their concerns to Ministers in the other place.

Liz Kendall (Leicester West) (Lab): My hon. Friend is doing an excellent job of trying to scrutinise the implications of this Bill, yet we have less time on the Floor of the

[Liz Kendall]

House to debate it than we would have in Committee for much less important Bills. Does my hon. Friend agree that while we want all these issues to be sorted out within two years, that might not happen, which is why we need transitional arrangements as well as a vote on the final deal, so that this House can see whether the Government have done their job properly and truly got the best deal for Britain?

Chris Leslie: Exactly. We need to use the two-year negotiation period wisely. We shall come on in Committee tomorrow to some of those particular issues.

Caroline Lucas: Does the hon. Gentleman agree that as well as having an environment policy, we need to make sure that it is enforceable? It is no good just moving it across, if we cannot bring enforcement to bear. Does he also agree with me that the European Investment Bank is a crucial issue, because it is a massive investor in renewable energy in this country? We need to know where we stand on that.

Chris Leslie: In that case, I will move on to new clause 122, which references the European Investment Bank. It deals with a series of economic and trade co-operation issues, which are again not referenced at all in the White Paper. Can you imagine, Mr Howarth, the Government producing a White Paper about the consequences of withdrawing from the European Union without even mentioning the European Investment Bank, in which, by the way, we currently have a 16% stake? It part-funds Crossrail and the Manchester Metrolink. This is a massively important institution, yet we are simply shrugging it off in a blasé way, saying “Trust the Prime Minister; it will all be fine”.

We should at least ask Ministers about the attitude of the British Government towards it, so I ask the Minister directly: what is the British Government’s attitude to our continued participation in the European Investment Bank? He needs to address that and other issues.

I had better move on and talk about a couple of other new clauses. I know that other hon. Members want to contribute to the debate, and it is frustrating that we do not have enough time properly to debate the issues. I am glad to see in their place a couple of hon. Members who might be interested in these things. New clauses 128 to 130 deal with the issue of the protected designation of the origins of goods and services—specifically, their protected geographical indication.

Hon. Members might well have relevant businesses within their constituencies. This is sometimes known as “the Stilton amendment”, so I am looking at the hon. Member for North West Cambridgeshire (Mr Vara). I understand that Stilton is not necessarily made in North West Cambridgeshire, but the hon. Gentleman has the village of Stilton in his constituency. Similarly, the hon. Member for Truro and Falmouth (Sarah Newton) will be well aware of the wonders of Fal oysters, which are protected under the protected geographical indication—PGI—scheme that applies to European trade. Whether they are called “the Stilton amendment” or “the Scotch whisky amendment”, the new clauses simply ask what the Government’s plan is for those protected products—much-cherished and much-valued not just where they are produced, but where they are consumed worldwide—if

they lose their protected status? We could end up having knock-off Scotch whisky sold around the world without that protection. The same might apply to Scotch beef, Welsh lamb, Melton Mowbray pork pies, Arbroath smokies, Yorkshire Wensleydale, Newcastle Brown Ale and the Cornish pasty.

Mr Vara: As it happens, the protected status of Stilton cheese prohibits people living in the village of Stilton in my constituency from making it. They researched the cheese and found that it was originally made in the village, but they are prohibited from making it by the protected status to which the hon. Gentleman refers. When we leave the European Union, they will be able to make Stilton cheese in Stilton.

Chris Leslie: Finally, we get some sign of life from Conservative Members. They are finally interested in the consequences of withdrawing from the European Union. This is an issue that the House should have the opportunity to discuss. Many firms, industries and producers, on both sides of this question, will either benefit or—probably—lose out, as a result of our exiting from the European Union in this way.

Mary Creagh (Wakefield) (Lab): Blessed are the cheesemakers, wherever they happen to live, but may I return my hon. Friend to new clause 112, which deals with the European Chemicals Agency, and alert him to the fact that the Environmental Audit Committee is looking into the issue? I have the 200 pages of evidence on what withdrawing from the European chemicals regulations will mean for the motor industry, the defence industry and the pharmaceuticals industry in this country, and it does not make pretty reading.

Chris Leslie: As my hon. Friend says, there are serious questions about hazards that could affect our constituents and substances that pose dangers because, for instance, they may be carcinogenic.

We are disappointed in the Government not only because of their White Paper, but because they are trying to gag Parliament and prevent it from debating these issues. Muzzling Members on both sides of the House on these questions means that we will end up far poorer and far worse off, and it sends a message to the Lords that they will have to do the job of scrutiny and due diligence that we were unable to do. This is our only substantive opportunity to debate the Bill. Parliament deserves more respect than the Government have shown in their insubstantial, inadequate White Paper, which does not touch on many of the questions in our new clauses. We simply want to know what they plan to do, and I sincerely hope that the Minister will answer our questions when he responds to the debate.

Heidi Allen: I want to speak briefly about new clauses 171, 173 and, principally, 57.

I am proud to represent my constituency, which is home to some of the most impressive academic and scientific research in the world. We attract and grow the most innovative brains, and we do that by looking outwards rather than inwards. I know that the Government have confirmed that all EU legislation will simply be transferred to UK law on the day of exit, but I feel that particular attention should be paid to planning our future academic and scientific collaborations.

New clauses 171 and 173 request reports from the Government on the future of the Erasmus+ scheme and participation in the European research area. Given that our academic and research industries are two of our greatest exports and feature heavily in the business, energy and industrial strategy, such reports should be very straightforward. We need to give clarity and reassurance to those sectors, which I know are exceptionally worried about the future. The University of Cambridge, the Babraham Institute, the Wellcome Genome Campus and the Laboratory of Molecular Biology, to mention just a few institutions in my constituency, are extremely important to national prosperity, and they deserve priority in the Government's thinking.

Helen Goodman (Bishop Auckland) (Lab): The hon. Lady is making a very important speech, but is she aware that it is not necessary to leave behind all those EU agencies? When it comes to research and development, for example, Israel belongs to Horizon 2020. Does the hon. Lady not think that the Government should look into that, and consider the granting of such a status to this country?

Heidi Allen: I entirely agree. I think that what is most important is for Ministers to listen to organisations such as those in my constituency in order to understand what they need. I am pleased that the Secretary of State for Exiting the European Union has visited Cambridge twice since Christmas, because he is clearly listening, but we in the Chamber are not the experts. Those organisations are, and we should listen to what they say.

Mr Lammy: Does the hon. Lady agree that one of the problems that universities are experiencing is that PhD students and other academics are choosing not to come to Britain now? That means that our global universities are losing out to Harvard, Yale and Berkeley, and universities in other countries.

Heidi Allen: I regularly speak to members of the University of Cambridge, because a couple of its colleges are in my constituency. Although numbers have not fallen so far, I know that they are very worried about what will happen in a couple of years. Universities are a fundamental part of what is great about this country, and they deserve our protection. That is why we need to look fully at the implications for them, and the Government need to listen.

The debate on new clause 57 is probably one of the most important debates that we shall have, because it concerns the continuing rights of EU citizens lawfully residing here before or on 23 June last year. I recognise that the Prime Minister has said that seeking reciprocal rights will be her earliest negotiation priority, and I also recognise that many EU citizens already have an automatic right to remain. However, the issue will continue to keep many of my constituents awake at night until it is resolved.

Mr Jim Cunningham: Like, probably, the hon. Lady, I have been written to by a number of my constituents who are married to British citizens but are EU nationals, and they are very concerned. I should have thought that the Government would give them some sort of comfort, because this is certainly creating problems within families.

Heidi Allen: Absolutely. I speak as a woman with a German mother. I think that on some occasions my father would be quite pleased if my mother were sent back. [*Laughter.*] He would agree with me about that. However, I do understand the rifts that this is causing in the community, particularly in my constituency, which is bursting with citizens of every nation in the EU who have families and relatives. However, it is not just the EU citizens who are worried; the communities that wrap around them are worried as well.

7.15 pm

Mr Jacob Rees-Mogg (North East Somerset) (Con): Is not the issue solved by the Government's current proposals? When everything is brought into UK law by the great repeal Bill, all EU nationals here will continue to have the right to reside unless Parliament legislates to take it away, which seems to me to be inconceivable.

Heidi Allen: I am sure that my hon. Friend has made an accurate point. I suppose the point I am trying to make is that while there may be legal and administrative realities ensuring that people would never be sent home, the perception and feeling of those people is more important. We should cut through the red tape and give them clarity, because that is what they deserve.

Robert Jenrick (Newark) (Con): Can we put this in context, so that people listening at home will understand and not feel unduly nervous about what is happening? Does my hon. Friend agree that 61% of all EU nationals living in the UK already have a permanent right to reside in this country, and that by the time the UK leaves the EU, that figure will have risen to between 80% and 90%? A very large proportion of EU nationals who are already in this country have absolutely nothing to worry about.

Heidi Allen: That is a valid point, but this should not just be about a piece of paper and whether a form has been completed. We already know of cases in which people's applications have been turned down. This is not just about citizens who have been here for five years or 10 years. Every day, brains and skills come to my constituency. Should I discriminate against someone who has been here for two years, or for five years? No. Those people have a right to be here, and we should honour that.

Mr Harper: I do not know whether my hon. Friend heard what I said earlier, but I meant it very sincerely. More than 4,000 EU nationals do not fit the description that she has given. They are people who are here and have abused our hospitality by committing crimes for which they have been sent to prison. The problem with a blanket approach is that it will give those people the right to stay here. Having dealt with individual cases, I know that nothing will do more damage to the British people's wish to welcome EU nationals than our not being able to deport people who came here as EU nationals and then committed serious crimes. Has my hon. Friend given any thought to that?

The Temporary Chairman (Mr George Howarth): Order. In the brief time for which I have been in the Chair, I have noted that some of the interventions seem to be getting excessively long. I remind Members that interventions should be confined to a single point, and a short one at that.

Heidi Allen: You will be pleased to know that my speech is very short, Mr Howarth, so I do not have much more to get through.

The Temporary Chairman: I was talking about interventions, not speeches.

Heidi Allen: If the interventions are long, my speech will be short.

Let me say this to my right hon. Friend the Member for Forest of Dean (Mr Harper). Nothing is perfect, but should the policy that we make be based on a few bad apples or on the rights of thousands of fabulous citizens who come here and contribute? What we are discussing today is whether we should be offering unilateral rights to them before securing rights for our UK citizens abroad. I have a sense of what is the moral and right thing to do. I believe that we should be leading the way, and offering those rights unilaterally to EU citizens in the UK.

Mr Vara: Will my hon. Friend give way?

Heidi Allen: I hope that my hon. Friend will forgive me if I do not. I wish to make a bit of progress, but I will give way again later.

Until we have that resolution, however and whenever it comes, this will prey on the minds of families and our NHS, and will damage the collaboration that is vital to the scientific and academic organisations in my constituency. Many of my constituents have lost all sense of direction, and are struggling to recognise the tolerant, open country of which they are normally so proud. The wounds of the referendum have not yet healed. Although I was grateful for the opportunity to probe the Prime Minister when she made her statement earlier today, I wish to repeat my request for her to keep a unilateral offer to EU citizens in her mind.

As time passes, I fear that the distasteful currency valuation of both our citizens and EU citizens will increase. If an early agreement is not reached—as the Prime Minister hopes it will—I will urge her to step in and halt the trading. We are talking about people. If the Prime Minister were to offer continued rights to EU citizens unilaterally, I believe she would pull the country in behind her. She would strengthen our collective resolve and push forward through the negotiations with the shared will of the 48% and the 52%. At the moment, those in the 48% in my constituency do not feel part of the conversation. Crucially, we would demonstrate that in this global turbulence Britain is, as it always has been, a beacon for humanity and for democracy, a principled and proud nation and—one day soon, I hope—leading the way with compassion and dignity.

Mr Alistair Carmichael (Orkney and Shetland) (LD): My hon. and right hon. Friends have tabled several new clauses, but we have a remarkable range of amendments before us this evening, so I will confine my remarks to those relating to the position of EU nationals wishing to remain and their rights to remain.

I want to explain why this matters to me as a Liberal and an islander. Those representing island communities understand that things very often have to run to different rules and we have different priorities. One of the most important aspects of keeping an island community

viable, prosperous and growing is maintaining a viable level of population, and in recent years and decades the contribution of EU citizens to growing and maintaining the services and businesses within the island communities that it is my privilege to represent has been enormously important. It matters to my communities, therefore, that the position of these EU nationals who live in our communities, and who contribute to our public services and businesses, should be clarified; they should be given the greatest possible reassurance at the earliest possible opportunity.

There is no aspect of island life these days in which we will not find EU nationals living and working. They work in our fish houses, they work in our hotels and bars, they work in our hospitals, our garages and building companies, and they teach in our schools. If we go into the admirable University of the Highlands and Islands, we will find them leading some groundbreaking research there, especially in the development of renewable energy—a future for our whole country. That is why the position of these people in our communities matters to the people I represent, and they matter to me and should matter to us all.

Mr Vara: The right hon. Gentleman, for whom I have a huge amount of respect, is making a very good point as regards EU nationals; indeed, many colleagues have said likewise. Does he not accept, however, that while we talk about securing the position of EU nationals living in Britain, we as British parliamentarians have a duty to British nationals living overseas—we have a duty to make sure that they, too, are looked after—and that if we secure the rights of foreigners living in this country before British nationals overseas are looked after, we are neglecting our duty?

Mr Carmichael: I gently say to the hon. Gentleman, with whom I have worked in the past, and who I hold in some regard, that, bluntly, it is invidious to play the interests of one group of desperate people off against the interests of another group, and there is a danger of that emerging from what he is saying and the terms in which he puts it. As the right hon. Member for Leeds Central (Hilary Benn), the Chairman of the Exiting the European Union Committee, on which I also serve, reminded us, this was the evidence that we heard from British nationals currently living in other parts of the EU; this is what they want us to do, because they see that it is in their interests that we should do this. They see this move as the best, most immediate and speediest way in which their position can be given some degree of certainty.

The real importance of this move is the atmosphere that it would create. We cannot ignore the atmosphere that we have found in many of our communities since 23 June, and the spike we have seen in hate crime; and we must also think about the atmosphere in which the Prime Minister is going to open the negotiations after the triggering of article 50. The atmosphere will be so much better—so much improved—if we are able to say, “We enter this as a negotiation between friends and neighbours, and as such we offer you this important move for your citizens as a mark of our good faith and our good will.”

I also want to deal with one matter that was raised in the Select Committee, and which has been touched on today: the opportunity of EU nationals to secure their

position by means of the permanent residence card. I say to the Minister of State, Department for Exiting the European Union, the right hon. Member for Clwyd West (Mr Jones), that he should be talking about this to his colleagues in the Home Office, because there are enormous difficulties with it. *[Interruption.]* I see the Minister for Immigration is sitting on the Treasury Bench, too, and he will be aware that some 30% of the—expensive—applications that are necessary for permanent residence cards are currently refused. The evidence brought to the Select Committee was that this involves, I think, an 85-page form. The sheer volume of supporting documentation required for these applications is enormous. The level of detail that is asked about the occasions over the past five, 10, 15 or 20 years when people have left the country even on holiday and then returned, and the evidence required to support these dates, is unreasonable and is putting an enormous burden on those seeking this small measure of reassurance in the short to medium term. This needs to be revisited.

The unfairness of the situation came home to me when I saw a constituent on Friday, who brought to my office the letter she received in 1997 from the then Immigration and Nationality Directorate. She was told:

“You can now remain indefinitely in the United Kingdom. You do not need permission from a Government Department to take or change employment and you may engage in business or a profession as long as you comply with any general regulations for the business or professional activity.”

Nobody told my constituent in 1997 that 20 years later she was going to have to produce tickets to show that in 2005 she took a two-week holiday in Ibiza, or whatever, but that is the situation in which she now finds herself if she is going to achieve that small measure of security for her and her family.

The challenge facing our country at this point is how we go forward in a way that allows us to bring the 52% and the 48% back together. Our country faces an enormous challenge, and it is one that we cannot meet with the support of only half our population; we need all our people to be able to pull together. This would be one small measure that would allow the Government to bring the two sides together to get the best possible deal for all our citizens, whether they are British by birth or British by choice.

Will Quince (Colchester) (Con): It is a pleasure to follow the right hon. Member for Orkney and Shetland (Mr Carmichael), although he might not entirely share the sentiment once I have finished my contribution. I promise that it will be a short contribution, in the interests of time and the number of Members who wish to have their say. I rise to speak against in particular new clauses 56 and 134.

There are some in the House who have said that the referendum result should not be respected because the people did not know what they were voting for. They are determined to find confusion where none exists. They say that the public voted to leave the European Union, but not the single market or the customs union. Members are arguing through these amendments that we in this House need to debate whether or not we leave the single market. I disagree.

The majority of voters who took part in the referendum said that they wanted to leave the European Union. Many of those who contacted me said that they wanted

to restore our parliamentary sovereignty and sovereignty over our courts, to regain control over our immigration policy, and to strike out in the world and forge new deals with countries across the globe. Those aims are incompatible with remaining in the single market or in the customs union.

7.30 pm

We chose to go to the people with this referendum. I did not campaign for either side in the referendum, but I followed the two campaigns closely. Throughout the referendum campaign, those involved in the leave campaign said that we would be leaving the single market. On the remain side, our former Prime Minister David Cameron said during the campaign that, in the event of a vote to leave:

“What the British public will be voting for is to leave the EU and leave the single market.”

Caroline Lucas: I do wish that the hon. Gentleman would not rewrite history. I have some lovely quotes here. The present Foreign Secretary said:

“I’d vote to stay in the single market. I’m in favour of the single market.”

The right hon. Member for North Shropshire (Mr Paterson) said:

“Only a madman would actually leave the market”.

That one speaks for itself. Arron Banks stated:

“Increasingly the Norway option looks the best for the UK.”

What the hon. Gentleman is saying is simply not the case.

Will Quince: I thank the hon. Lady for her intervention, but those were selective quotes, taken out of context. How could it not have been clear what the public were voting for?

Anna Soubry (Broxtowe) (Con): Is my hon. Friend honestly saying that the good people of Colchester sat in a variety of places where they might go to enjoy themselves mulling over the finer points of the single market?

Will Quince: I think my right hon. Friend underestimates the intelligence of the people of Colchester.

I would be more sympathetic to those tabling the new clauses if they had not voted in favour of holding the referendum. However, they supported it. They agreed to entrust this question to the British people. I remember when some on the other side of the House, namely the Liberal Democrats—although I question that name in the context of this debate—were calling for a “real referendum”. Well, we had a real referendum—the biggest exercise in democracy in our nation’s history—and we have been given a result. Those hon. Members just do not like what they heard. We should respect the instruction we were given by the British people. We were told that we were going to leave the European Union and the single market, and leave we should.

The Prime Minister has been absolutely clear that we are leaving the single market. Those on the Opposition Benches tabling these new clauses should perhaps listen to the former leader of the Liberal Democrats, the noble Lord Ashdown, who said that

“when the British people have spoken, you do what they command”.

[Will Quince]

We do not need this debate. It is simply an attempt to obfuscate and delay the process. That is why I cannot support new clauses 56 or 134, and I encourage colleagues to oppose them.

Helen Goodman (Bishop Auckland) (Lab): It is a pleasure to serve under your chairmanship, Mr Howarth. I should like to speak to new clauses 29 and 33, tabled in my name and those of other right hon. and hon. colleagues.

The Secretary of State—who is not here for this debate—said with his usual braggadocio that he would produce a Bill that was unamendable. Today, we have a list of amendments that is 145 pages long. The ratio of lines in the amendments to lines in the Bill 580:1, which must be an all-time record. It is certainly a tribute to the productivity of hon. Members on this side of the House. However, the chutzpah of the Secretary of State was exceeded by the civil servant who wrote paragraph 14 of the Bill's explanatory notes, which states:

“The impact of the Bill itself will be both clear and limited”.

No. The effect of the Bill is not clear and it is certainly not limited. The fact that hon. Members have tabled so many new clauses and amendments demonstrates why this debate on parliamentary scrutiny is so important.

I am pleased to follow the hon. Member for Colchester (Will Quince), whose constituents voted leave in the referendum. Mine did too, and his speech was the perfect introduction to my own. I want to describe why it is also in the interests of those who voted leave that we should have proper parliamentary scrutiny. The referendum campaign was won on the slogan of taking back control and bringing back parliamentary sovereignty. We cannot do that without having proper parliamentary scrutiny.

New clause 29 is perfectly simple and straightforward: it proposes a quarterly reporting system during the negotiations. That would give the House a structured approach. The right hon. Member for West Dorset (Sir Oliver Letwin) complained about new clause 3—which was ably moved by my hon. Friend the Member for Greenwich and Woolwich (Matthew Pennycook)—saying that it would create problems of justiciability. I hope the right hon. Gentleman will agree that the requirement to produce a report once a quarter is not such a high or complex legal bar, and that it would not lead to extremely long litigation. It is a simple, practical measure.

Sir Oliver Letwin: Does the hon. Lady imagine that there would be no court cases about whether such quarterly reports conformed with the appropriate procedure? Is she aware of the chain of jurisprudence in judicial review that leads to the possibility of that kind of contest? What does she think would happen if the courts started intervening in the matter of whether the reports met the requirements of her new clause?

Helen Goodman: First, it is not clear that such cases would get leave of hearing. Secondly, any such case would be dismissed straight away, so long as the Government had abided by the requirement to produce quarterly reports. There simply would not be a case to answer. This is a simple and straightforward proposal.

Sir Oliver Letwin: So does the hon. Lady think that the Government would satisfy the conditions of her new clause if they simply produced one line saying,

“This is our report”? Or does she believe that it would have to be an appropriate report? If that were the case, could not a court decide whether it was appropriate or not?

Helen Goodman: As the Chairman of the Select Committee said earlier, when we got into a discussion about the requests from the Opposition Front Bench, the nature of the report would be a matter for the Government. I am sure that the Government would behave in a reasonable manner if this provision were in the legislation.

As I was saying to the hon. Member for Colchester, my constituency voted leave. I voted for the Bill on Second Reading so that the Prime Minister would have the power to trigger our intention to withdraw from the European Union under article 50. However, the political legitimacy stemming from the result of last summer's referendum does not extend to giving the Government a blank cheque for their negotiating objectives or for the way in which they conduct the negotiations. Everyone is clear that this will have major constitutional, political, economic and social implications for our relations with other countries and for the domestic framework of our legislation.

Given the lack of clarity, and the fact that there was no plan, I have consulted my constituents on their expectations and hopes, and on how they want these decisions to be taken. I wrote to 5,500 of them, and I held six public meetings. They felt strongly that they wanted Parliament to be involved. In fact, some of them thought that the negotiations should be conducted by a cross-party team. I said that I did not think that was terribly likely—

Anna Soubry: Given the quality of your Front Bench.

Helen Goodman: Let me tell the right hon. Lady about the views that were expressed in my constituency, even though they might be different from those being expressed in her own. When we discussed the social chapter and people's employment rights, my constituents said, in terms, “You can't trust the Tories.” It is because of that feeling—[*Interruption.*] Those were their words, not mine. It is because of that feeling that we need to have parliamentary involvement in the way this process is carried forward.

The Government have reluctantly come to the House with this Bill. I first requested that Parliament be involved on 11 July in an urgent question on article 50. The Government resisted, as everybody knows, and only came to the House because they were forced to by the Supreme Court. Some Government Back Benchers say that the negotiations are far too complex to do openly—the right hon. Member for West Dorset talked about 3D chess, for example—but I take the opposite view: it is precisely because the negotiations are complicated and multifaceted that lots of people should be involved.

Richard Graham (Gloucester) (Con): The vast majority of the amendments—I think I counted 30—tabled by members of the Opposition basically call for a report within 30 days of the Bill coming into force setting out the Government's approach in the negotiations. Does the hon. Lady imagine that Europe will publish reports on every one of these issues, setting out its approach in the negotiations? That would surely be giving away too much.

Helen Goodman: Had the hon. Gentleman been in his place to hear the fantastic speech by my hon. Friend the Member for Nottingham East (Chris Leslie), he would understand why my hon. Friend was proposing all those reports. I am speaking to new clause 29, which is about quarterly reporting by the Government once the negotiations get under way.

Another slight misconception among Government Members is that there is some best deal, but there is clearly no objective technical standard test. What is best in the constituency of the hon. Member for Gloucester (Richard Graham) might be different from what is best in my constituency. I am not casting aspersions on the motivations of Government Members; I am being realistic. When the Prime Minister talks about building a better Britain and doing what is best for the country, I am sure that she is being completely sincere, but she stood in a general election in Durham in 1992 and received half as many votes as the Labour candidate. The truth of the matter is that the process is complicated and there are different interests. Parliament, which is the sovereign body of the country, should be able to participate fully in that process, and scrutiny is the basic first brick of it.

Alex Chalk (Cheltenham) (Con): The net effect of the hon. Lady's new clause is that the High Court, not Parliament, would decide on the adequacy or otherwise of the reporting. She would be ceding authority not to this place but to the independent High Court, which is contrary to what she is trying to achieve.

Helen Goodman: Look, I am sorry that Government Members feel so bad about losing the Supreme Court case last month. It is a shame. The Government were foolish to appeal after the High Court judgment. However, the fact that they have lost one case does not mean that they should become obsessed with the risk. It is as absurd as saying, "Well, we should stop having parliamentary questions for every Department once a month because they somehow undermine the Government." Take Defence Question Time, for example. It happens every single month, but it does not undermine our security; it holds the Government to account. It is because the negotiations are so important that the Government should report back. I am sorry that the Secretary of State is not here. Unlike some Government Back Benchers, I think he understands that this is not a technical issue; it is a political process. Involving Parliament and having proper parliamentary scrutiny is the right thing to do to build a national consensus, which the Government state is their aim in the White Paper.

New clause 29 is simple and straightforward and would require a quarterly reporting system during the negotiations. While the Select Committees are doing fantastic work in considering particular issues in great detail, it is extremely important that the whole House gets a regular opportunity to see how things are going and to provide the perspective of the different communities we represent. Out of necessity, I drafted new clause 29 without having seen new clause 3, which is obviously tougher than new clause 29, so some people will prefer one over the other.

7.45 pm

New clause 33 would require the Prime Minister to set out how the UK will have control over its immigration system. I tabled it because that is the major concern of

many people, leave voters in particular, so it seems right to refer to it in the draft framework and negotiating objectives that we must prepare for our future relationship with the EU. However, I want to make it clear that while that was a factor for some constituents in how they voted, they were equally committed to providing security for EU citizens in this country. I added my name to new clause 57, tabled by my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman), because those things are completely consistent. I would like to say more on that, but we have only a short amount of time.

Stephen Hammond (Wimbledon) (Con): The hon. Lady refers to guaranteeing the rights of EU citizens, and my hon. Friend the Member for North East Somerset (Mr Rees-Mogg), who is not in his place, stated the legal position. The Government could make that guarantee tonight, saying that my hon. Friend was correct, by stating that those rights would be grandfathered straight into the Immigration Act 2016. That may not be the preferred method for many in this House, but it would effectively guarantee EU citizens what they want. Does the hon. Lady agree?

Helen Goodman: I have not thought about that in as much detail as the hon. Gentleman, but it will be interesting to see what the Minister says when he responds to the debate from the Dispatch Box tonight.

As I was saying, we should have proper, structured scrutiny, and I am disappointed that we do not have slightly longer to consider all these matters in more detail.

Richard Fuller: It is a pleasure to follow the hon. Member for Bishop Auckland (Helen Goodman), who expressed her view with her usual forthrightness. She was one of the first Members in the House to raise the complex issue of the customs union, for which I am very grateful.

Last July, the right hon. Member for Leigh (Andy Burnham) moved an Opposition motion on guaranteeing the rights of EU nationals in the UK, and I was one of five Conservative Members to support it. It was an excellent motion to propose at that time, and thanks to that motion tremendous progress has been made in the Government's thinking and statements. We are debating an issue on which there is unanimity of view about what we want to achieve. It goes almost to the point of parody: everyone is agreeing on a point about which they are then going to disagree. The fundamental question is whether placing such a measure in this Bill is the right approach to continue the pressure and achieve what my hon. Friend the Member for South Cambridgeshire (Heidi Allen) spoke about so eloquently.

Heidi Allen: My hon. Friend asks whether the Bill is the right place for such a proposal. Should it be that we in this country need legislation to orientate our moral compass?

Richard Fuller: I think my hon. Friend knows my view, so I will not dwell on that.

As I looked through the many amendments, I noted that they fall into three main categories: those that ask for or require scrutiny of the Government's approach; those that seek to frame a position for the Government

[Richard Fuller]

in the negotiations; and those that seek answers to an imponderable list of questions—most notably those from the hon. Member for Nottingham East (Chris Leslie). Each of those groups in turn is less worthy of the House's attention. Scrutiny is relevant to how the House sees things proceeding, and I will listen carefully to what the Front-Bench team says about that. I am concerned, however, by some of the comments made by my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) to which he did not receive answers. The idea that we would involve the Government in the negotiations, then involve Parliament in the negotiations and then also involve the courts in the negotiations brings the words “dog's” and “breakfast” close together very quickly.

On EU nationals here in the UK, many of the contributions to this debate have focused on the easiest side of the argument. My right hon. Friend the Member for Forest of Dean (Mr Harper) mentioned prisoners in the UK, and under last year's motion those prisoners who have committed crimes in this country would be guaranteed the right to remain. We may want to do that, but it is a hard case to make that we should do that while not giving any consideration to British nationals in other EU countries. As my hon. Friend the Member for South Cambridgeshire might say, we would then seem to be losing our moral compass through legislation.

A number of Members have cited specific examples of where prisoners would already be guaranteed rights in this country. As parliamentarians, we have a responsibility to reduce uncertainty as we go through the process of leaving the EU, and one practical way of doing that is by knowing what the circumstances are for each of our constituents who come to talk to us so that we can explain to them that there is no need for them to be concerned because their rights are secure—the proposal will not cover all of them, and it might not cover as large a proportion as my hon. Friend the Member for Newark (Robert Jenrick) mentioned, but it is a practical example of where we can help to reduce uncertainty.

The third argument on this issue of EU nationals who have the right to remain here, upon which we all agree, is that we have focused all our attention on the Government Front Bench. Hardly anyone has mentioned Angela Merkel. As I understand it, and I get this from two very reputable newspapers—*The Sun* and the *Daily Express*—so it must be true, it was Mrs Merkel who said no to a deal. Where are the voices talking about pressing the German Government to make an agreement? I have heard plenty of speeches today about Donald Trump and how terrible we feel about his policies. Well, here is something that affects British citizens in another country and not a word from anyone.

Geraint Davies (Swansea West) (Lab/Co-op): Does the hon. Gentleman agree that, by triggering article 50, we will simply give the EU27 all the rights to deliver our future? We would then have no negotiation, which is why we should delay article 50 and let the people have the final say on the negotiated package. As full members, we have negotiating rights. We would then have the power of time, and we would give the EU27 the incentive to come to the negotiating table because we might vote to stay in the EU.

Richard Fuller: The hon. Gentleman would not get a top mark in negotiation analysis at Harvard Business School. The last word the British public want to hear when it comes to this Bill is “delay.” Most people think we should get on with it, if they do not think we have done it already.

It is important for the Government to understand that messaging is important. There is uncertainty, and people feel that perhaps they do not have the right to remain here, so the Government must continue their progress in signalling to people not only that we welcome them here but that our intent is that everyone in the United Kingdom as a legal EU resident will be able to stay. We must not avoid, or fail to pursue, communicating that message.

Equally, the Government must avoid measures that give the optics to British citizens in other EU countries that they have been abandoned. One of the worst things of stating this in legislation is not that it is necessarily a bad thing but that the optics for British citizens in other countries would change dramatically. They would say, “Why have we not been protected?” They would feel even more vulnerable because of the inaction of EU Governments if the UK Government were, by statute, to have to take this measure.

I support the Government on this amendment, and I call on them to continue their progress on the issue to end uncertainty. Ending uncertainty is not just about the rights of EU nationals currently living in the UK; it is about wanting people in the European Union to come to the UK. The progressive message of this Government should not just end with the issues contained in the amendment. We should send a positive message that we will continue to welcome people from the European Union after we leave.

Stewart Hosie (Dundee East) (SNP): I support the new clauses and amendments tabled by my hon. Friend the Member for North East Fife (Stephen Gethins), and I will particularly address new clause 51, in the name of the hon. Member for Pontypridd (Owen Smith).

In particular, I support the argument for a White Paper that includes details of the expected trajectory for the UK's balance of trade, gross domestic product and unemployment. A number of earlier contributions explained precisely why we need that. My hon. Friend said that Vote Leave failed to provide detailed answers to any of the key economic questions before the referendum and, of course, he is right.

The right hon. Member for Forest of Dean (Mr Harper), who is no longer in his place, demonstrated incredibly ably the confusion at the heart of Vote Leave and why taking a decision today is incredibly difficult. He effectively said—I have spoken to him, so this will come as no surprise to him—that no one in the leadership of the official leave campaign ever argued that we would join the EEA or have an EFTA-type agreement. It might be that the right hon. Member for Surrey Heath (Michael Gove), or one of the other senior figures, never quite said that, but to argue that the leave campaign did not suggest it, and suggest it strongly, is simply wrong. The leave campaign Lawyers for Britain said:

“We could apply to re-join with effect from the day after Brexit... EFTA membership would allow us to continue uninterrupted free trade relations”.

That was still on the website only a few weeks ago.

The former ambassador and Brexit supporter Charles Crawford appeared on “Newsnight” to argue that an EEA option may be the first step of Brexit. Roland Smith, the author of “The Liberal Case for ‘Leave’”, wrote an extended paper titled “Evolution Not Revolution: The case for the EEA option”, so I suspect that there were many people who, indeed, voted for Brexit believing that we were not voting for a hard Tory cliff-edge Brexit and that we would maintain membership of the EEA, EFTA or an equivalent. Given that that now no longer appears to be the case, it is absolutely right, as new clause 51 makes clear, that we have details of the expected trajectory of the balance of trade, GDP and unemployment. Those are not abstracts; they are at the heart of the measurement of our economy, of wages, of living standards and of economic growth. They are the platform for tax yield, which pays for our vital public services. All those words and concepts were almost entirely absent from what I will generously call the first White Paper.

I gently observe that it is not good enough for the Government to produce, after a referendum, a White Paper that is little more than the Prime Minister’s Lancaster House speech dressed up with a few pictures and a couple of graphs. That is not the basis for the economic plan necessary to mitigate the huge potential damage to the economy from a hard Tory Brexit. Make no mistake, that is what we are facing.

Will Quince: Did the Government leaflet, at great cost, not exactly make the point that single market membership was not an option and that access would be the result of a leave vote in the referendum?

Stewart Hosie: Many things were said, which is my point. Some might argue that being in the EEA or a member of EFTA precisely gives one not just access to but membership of the single market—one could call it access if one likes. There was deep, deep confusion in the messaging of the no side, which must be rectified now with proper details on the trajectory of the key economic numbers before more decisions are taken.

I say that we are facing a hard Brexit, and let us understand what has been said. The leaked Treasury document last November suggested that the UK could lose up to £66 billion from a hard Tory Brexit and that GDP could fall by about 9.5% if the UK reverted to WTO rules. I accept that that is a worst-case scenario, but if the circumstances that lead us to that catastrophe occur and we do not have a plan to mitigate it, the guilt would lie with the Government for failing to plan. The final part of that—the “if we revert to WTO rules”—is key, because the Prime Minister has said that a bad deal is worse than no deal. That is very twisted logic, because no deal is the worst deal; it means we revert immediately to WTO rules, with all the tariffs and other regulatory burdens that that implies.

8 pm

Of course, the leaked Treasury document was not published in isolation. The centre for economic performance at the London School of Economic published very similar numbers, saying:

“In the long run, reduced trade lowers productivity”.

That is already a huge problem for the UK. It also said:

“That increases the costs of Brexit to a loss of between 6.3% to 9.5% of GDP”.

It puts a range of figures on that, varying between £4,200 and £6,500 per household. When we consider that impact on real people, a substantial measure of strength is added to the argument.

The figures for Scotland, independently produced by the Fraser of Allander Institute, are in line with those other assessments. They suggest a hard Brexit could result in the loss of some 80,000 Scottish jobs within a decade and a drop in wages averaging about £2,000. I do not think any politician, of any party, would willingly say, “Let’s embark on a course of action that will lead to the near impoverishment of many people in society,” but that is where we are with the hard Tory Brexit argument. [*Interruption.*] I can hear the groans, but year after year we heard “long-term economic plan”, and it failed at every turn. I think it is better if we argue that we are facing a hard Brexit—a cliff-edge Brexit—and we prepare for it. That makes sense.

In addition to those assessments, we had today’s report that senior executives from the FTSE 500 companies are telling us that the Brexit vote is already having a negative impact on their businesses. That should have alarm bells ringing throughout the Government, but instead there is simply complacency. We have also seen the British Chambers of Commerce report telling us that almost half the businesses surveyed have seen a hit to margins due to the devaluation caused by the fear of Brexit, with more than half suggesting they will have to increase prices. That is all the more reason to assess and understand the trajectory of many of the key metrics and the plans to mitigate the worst impact.

All those things come before we get to the vexed question of the balance of trade. Our current account for the last full year was £80 billion in the red and we had a deficit in the trade in goods of £120 billion, yet we are faced with a Brexit that will make that worse, ripping the UK and Scotland out of the world’s largest and most successful trading bloc. Doing that without the asked-for clear assessment of the damage and any credible plan to mitigate it included in a comprehensive White Paper is an act of wilful economic vandalism.

Several hon. Members *rose*—

The Temporary Chair (Mr George Howarth): Order. I am anxious to get in as many of the people who have sat throughout the debate as possible. There is no time limit and I am not going to impose one, but if those who remain take five minutes, or preferably fewer, it might be possible to get everyone in.

Dr Wollaston: I wish to start by reading something from a letter I have received from a constituent. He talks about his wife, who was born in the Netherlands. He writes:

“She has lived in this country for over 30 years, brought up three British children and is completely integrated into the life of her local town. She is not part of any ‘immigrant community’. She just lives here and is fully at home here. Until now, she has never seen herself as an outsider and has been able to participate fully in local life, thanks to her rights as an EU citizen. In two years’ time, she will lose those rights and be a foreigner, dependent on the good will of the Government of the day.”

I have written back to and met my constituent, because I think it is inconceivable that our Prime Minister would separate this family. However, many people are not reassured, and he and his wife sought for her to have

[Dr Sarah Wollaston]

permanent residency. This involved dealing with an 85-page document, including an English language test and a test about life in Britain, which is insulting to someone who has lived here most of her life and brought up three children here. This process is also very expensive, but the final sting in the tail is that she finds she is not eligible, because she has been self-employed and has not taken out comprehensive sickness insurance. This situation is unacceptable. We need to keep our compassion and keep this simple. It is inconceivable that families such as this would be separated, so we should be absolutely clear in saying so, up front.

Julian Knight (Solihull) (Con): I understand what my hon. Friend is saying about her constituency surgeries. I have had a similar experience and it is deeply upsetting in many respects, but will she join me in reflecting that the EU and Chancellor Merkel could have come to a deal on this earlier? The reality is that they have point-blank refused to discuss it before we trigger article 50.

Dr Wollaston: I agree with that, and I have also heard from constituents of mine who are British citizens now living in the EU. But my point is that, come what may, it is inconceivable that we would seek to separate families such as this one. There is no doubt that many people are sleepless and sick with worry about this, and we have all seen them in our surgeries. [Interruption.] It is true. I am seeing these people in my surgery. We also need to consider the tsunami of paperwork that we will have to deal with in settling the rights of these citizens if we do not get on with this quickly. We need to keep this simple. There is no way that families such as this should be subjected to vast bureaucracy and vast expense. We all know that this needs to be settled, so in negotiating, surely, making a bold, open offer as a gesture of good will can do nothing but good in this situation.

Richard Fuller: I agree with my hon. Friend, but my question to her is: can she cast any thought on why the Chancellor of Germany refused the offer?

Dr Wollaston: I have no idea why this is happening, but I am saying, as an important point to the Chancellor of Germany, that making this clear unilateral offer is the right thing to do, and we should get on and do it. There is no reason not to do so. Even if other countries were to take an obstructive and unreasonable line, it would still be inconceivable that our Prime Minister would separate families such as my constituents. So let us get on with this.

Anna Soubry: Does my hon. Friend not agree that the Prime Minister has given her word that this will be a priority and she clearly hears the compassion that my hon. Friend reflects for her constituent, as we all do for all our constituents? We must, as I certainly do, accept the word of the Prime Minister that this will be her priority and that she will sort it.

Dr Wollaston: I thank my right hon. Friend for that. Like her, I do trust the Prime Minister, and that is why I have taken a very reassuring line with my constituents. However, there is no substitute for a clear statement from our Prime Minister that, come what may, families

such as this will not be separated, because that is the reassurance they seek. I hear what my right hon. Friend says, but I think we should get on and make that offer, because it can be nothing but good to do so.

I also hope the Prime Minister will take further action on the issue of those who work in our NHS and social care. One in 10 of the doctors who works in our NHS comes from elsewhere in the EU, and I would like to say thank you, on behalf of the whole House, to all those workers and to all those who are working in social care. It would also be very much a positive move if we could say, up front, that those who are working here will be welcome to stay and make it very clear that we will continue to make it easy to welcome people from across the EU to work in social care and in our NHS.

Owen Smith: I shall make a short, pointed speech, because a lot of other Members have been present throughout the debate and wish to speak. It is extraordinary that we are debating one of the most, if not the most, important economic, social and strategic decisions that this House has had to make—certainly in the six years I have been here and arguably for 70 years—in a few short days and hours.

I shall speak to new clause 51, which I tabled. It is a simple, good-hearted new clause that would get the Government to come clean with the country and explain what they think the effect of Brexit is going to be for our constituents and for the national interest. It refers to labour rights, health and safety legislation, environmental protections and, most importantly, the impact we are likely to see on our GDP and balance of trade—the fundamental metrics that dictate whether we succeed or fail as a nation.

I tabled the new clause before we saw the abject, lamentable piece of work that the Government produced last Thursday: the 70-odd skimpy pages of the White Paper, 10% of which is actually white or blocked out. It is the whitest White Paper I think the House has ever seen. I contrast that with the 200-odd page report that the Treasury produced ahead of the referendum, which detailed the minutiae of all the impacts anticipated as a result of the changes in respect of GDP—[Interruption.] They chunter on the Government Front Bench, but when the Prime Minister was sat on that Bench as Home Secretary, she signed up to every line of that Treasury report, so it is entirely legitimate for the country to ask whether she is now living a lie as to what she thinks the impact of Brexit will be. Is she deceiving the country about whether this is going to turn out well for us, or not?

Let us not forget that the Treasury report suggested that the net impact on GDP of our leaving the European Union was going to be in the order of £45 billion per annum within 15 years. That is a third of the NHS budget. It would require a 10p increase in the basic rate of taxation to fill that black hole. It may well be entirely untrue. Perhaps it was just an estimate by experts in the Treasury that we should no longer believe, but if so, the Government need to come clean and tell us the current estimate.

Now that we know what the Government are planning to do—now that we know that we are gunning for the rock-hard Brexit that they hate to hear about on the Government Benches—what will the impact be? What will be the impact on trade? The Government were very

clear about that previously. Under any circumstances, leaving the European Union will reduce trade by this country. It will make us “permanently poorer”, according to the Treasury, as a result of reduced trade, reduced activity and reduced receipts, which will force the Government to increase and prolong austerity. Those are the stakes we are playing for on behalf of our constituents in this debate.

It seems to me entirely right that if this House is to be worthy of the name of the Houses of Parliament, and if it is going to do its job as it is meant to and as it has done for centuries, we need to see the detail. We need to be clear about what this is going to mean for my constituents and for my children. If it is anything like the black picture that was previously painted, we must have a final, meaningful vote in this House on the terms.

We cannot allow this country to drift out of the European Union on a bad deal—on World Trade Organisation terms—which would mean that the £45 billion black hole in our public finances was realised. We cannot allow that to happen for future generations, and we will be held accountable by those future generations if this House sits by, supine and pusillanimous, allowing this legislation to be waved through the House for political purposes—that is, to end the 30-year civil war on the Tory Benches. I cannot stand for that, and we should not stand for that in this House. We should see the detail and hold the Government to account, and I will continue to do that throughout this debate.

8.15 pm

Wes Streeting: I rise to speak to new clause 56, which was tabled in my name and the names of right hon. and hon. Members on both sides of the House. I hope it will pick up cross-party support, because it places the future of our economy and of jobs and trade at the centre of the debate, which is where those matters should be. In leaving the European Union, as people have voted to do, there remains the outstanding question of what happens about our membership of the single market and the customs union. Contrary to what we were told earlier by the right hon. Member for Forest of Dean (Mr Harper), those were not clear issues during the referendum. There were differences of opinion on the remain side and on the leave side. Given that ambiguity on something so important, it is quite right that Parliament, in taking back control, should at least give the Government a steer about the future trading relationship we would like to see.

As members of the single market and customs union, we are part of the largest free trade area in the world, giving us unfettered access to half a billion consumers throughout the European continent.

Anna Soubry: Does the hon. Gentleman agree that it is at best unfortunate that his Front-Bench team has not used its Opposition Supply days to have exactly that debate and, indeed, a vote on the single market, the customs union and the free movement of people?

Wes Streeting: I have a lot of respect for how the right hon. Lady has conducted herself during the debate, but her criticisms of our Front-Bench team, particularly the shadow Brexit Ministers, are particularly unfair. In any case, her criticism of our Front-Bench team would

carry more weight if she was clearer about which voting Lobby she is going to be walking through on several crucial issues. It is all very well taking to the airways and speaking in the newspapers about the fight she will put up on these issues, but she has to put her vote where her mouth is.

Anna Soubry: I have made it clear that I very much hope the Government will see good sense, as is the case in much of the wording of new clause 110, and that some sort of compromise and sense can be achieved. I make it clear that in the absence of that I will perhaps find myself with no alternative but to go against my Government, which is the last thing I want to do.

Wes Streeting: That is terribly disappointing.

As members of the single market and customs union, we are part of the largest free trade area in the world. We have heard a lot about global trade and our relationship with the rest of the world, but what is often overlooked is that membership of the European single market and customs union facilitates global trade. In fact, the EU has more free trade agreements with the rest of the world than the United States of America, China, Canada, Japan, Russia, India and Brazil. Every single sector of our economy will be affected by the decisions that our Government make and the outcome of the negotiations.

Last week, the cat was let out of the bag—or should I say, with reference to the former Chancellor, the right hon. and learned Member for Rushcliffe (Mr Clarke), that the rabbit was let out of Alice’s wonderland? The right hon. and learned Gentleman pointed out that the idea that we will leave the most advanced and sophisticated free trade agreement in the world and countries around the world will be queuing up to give us as favourable terms that are as good for our economy is fanciful.

If that were not bad enough, we should listen to the right hon. Member for Tatton (Mr Osborne). My jaw dropped when I heard him utter these words. He said that the Prime Minister has chosen

“not to make the economy the priority in this negotiation.”—[*Official Report*, 1 February 2017; Vol. 620, c. 1034.]

We are leaving the European Union and there is a real risk that the Prime Minister is going to drive a coach and horses through the biggest single trade agreement and free trade area in the world, of which we are part, divorce us from the single market and the customs union, with implications for jobs, trade and investment, as well for the jobs of my constituents and the constituents of every Member of this House, and yet the economy is not the priority in this negotiation. That is an outrageous prospectus. How could any member of the Conservative party support a prospectus that does not place the economy at the forefront of our departure from the European Union? It is reckless and irresponsible. If the Opposition were behaving like that, the Government would attack us and say that we lack economic credibility. It is an absolute outrage that that lot on the Government Benches do not even put the economy on the agenda.

Anna Soubry: Will the hon. Gentleman give way?

Wes Streeting: I am sorry, but I have given way already, and I am really conscious that others want to contribute. The Government should be seeking to get the best possible trading relationship with the European

[*Wes Streeting*]

Union. I cannot fathom why the Prime Minister is not setting out to keep Britain in a reformed single market. Margaret Thatcher was the architect—

Anna Soubry: Will the hon. Gentleman give way?

Wes Streeting: I will not give way. I want to draw my remarks to a conclusion so that other Members can come in. By the way, Mr Howarth, it is outrageous that we have not had enough time to debate these substantial issues.

Margaret Thatcher was the architect of the single market. The Prime Minister could be the architect of a reformed single market. As for the consequences, the choices and the trade-offs that lie ahead, whether on rules, freedom of movement or our financial contribution, we should not give this Government a blank cheque. They have not earned it. Any Government who enter a process such as this and say that the economy is not the priority do not deserve the trust of this House, and do not deserve the trust of the British people.

Caroline Lucas: I very much support the amendments that are designed to increase parliamentary scrutiny and I have put my name to many of them. I also support those amendments that would give the right to remain to EU nationals now here. That is a moral issue, which should be guaranteed now, not some kind of transactional calculation.

I wish to raise the issue of transitional arrangements, which has not yet been discussed and is covered by my new clause 36. I welcome the White Paper's recognition that, if a deal can be successfully secured within a two-year period that starts when article 50 is triggered, we will not leave the EU literally overnight. There will be a phased implementation to give businesses the chance to adapt. That is not the same thing as needing a period of transition should two years not be sufficient time to reach an agreement. To have no idea of what that agreement will be is a glaring omission and that is what my new clause seeks to address. It would put in place a transitional arrangement to govern UK-EU trade relations during the period, if necessary, between when the UK leaves the EU and when a longer term agreement is concluded.

Given the short time available—it is expected to be two years, but in reality it will be more like 18 months given the requirement to bring the deal before MPs, the European Parliament and so on—the only option available if a deal has not been secured is to send Britain over a cliff edge. We would face having to leave the EU effectively overnight, crashing out of the EU on WTO-only terms. The Government have stated clearly in their White Paper that they want to avoid cliff edges, but at the moment they have done nothing to stay away from this one—perhaps they have been too busy looking the other way over the Atlantic and have simply not noticed it.

My new clause would provide a safety net. Given that both France and Germany will be preoccupied with national elections for much of this year and that the UK team has limited negotiating capacity and relative inexperience, it seems likely that two years will not be sufficient time to get the best deal for Britain. If we

come to the end of the two-year period, we need a plan that is not just the default option of the wild west that is the WTO.

The Prime Minister says that she has unanimous agreement with the other 27 member states, and that getting that unanimous agreement is an option. We need to know that the option of continuing the negotiations has been specifically discussed, and we need to know it before we trigger article 50, otherwise we risk yet more uncertainty for our economy, for the citizens living in the EU and for all of our constituents. It is like jumping out of a plane to escape someone we have fallen out with but failing to double check that there is a parachute in the pack strapped on our back. What possible reason would anyone have for being so complacent or foolhardy?

Exiting the EU is really about two separate processes—

James Cleverly (Braintree) (Con) *rose*—

Caroline Lucas: I will not give way, because there is no time.

Many in the EU want us to conclude the divorce element, which comes with a potential bill of €60 billion, before discussing a trade deal. We must not forget that this is a negotiation. Article 50 covers only administrative Brexit, not the legal or trade aspects. If, after two years, we do not even have a basic divorce deal, it is possible that tempers will fray and patience dwindle, and the prospect of starting negotiations on trade deals in such circumstances is unlikely—to put it mildly.

The 27 other countries are likely to want the divorce settlement agreed via the courts, so trade negotiations may not be possible even if the political will is there. For all of those reasons, we need these transitional arrangements in place. I did not give way to Members, because I wished to allow time for others to speak. Let me just reiterate how frustrating it is that, in a debate of this importance, we are having to rattle through it at a ridiculous rate.

The Temporary Chair (Mr George Howarth): I call Jim Shannon. Before he starts, may I say that there is one more Member to be accommodated in the time available? I realise that time is tight, but if he could be brief that would be helpful.

Jim Shannon (Strangford) (DUP): I must start by thanking the Government for keeping the promise in the referendum. The Government said that they would listen to the will of the people and, in true democratic form, they have adhered to that. People in the referendum said that they wanted article 50 to be triggered by 31 March. That is part of the exceptional circumstances under which we are operating, and that is why we are debating this matter tonight.

My constituency voted 54% to 46% to leave the EU—

Ms Margaret Ritchie (South Down) (SDLP) *rose*—

Jim Shannon: No, I will not give way.

With that in mind, it is clear that we wish to see the Bill make progress. I hope that we will not face more efforts to derail the process today. The train is en route and is going at a steady pace. Our duty and the duty of

Government is to set the tracks in the right way—a strong and safe track—to carry us out of Europe and back to independence.

As a Northern Ireland MP, specific issues relating to our border with the Republic of Ireland, our businesses, our farming community and other communities are unique to us. I have every faith in our Prime Minister and her team and the discussions that she had with the Taoiseach in the Republic of Ireland just last week. The body language and the verbal contact were positive, and we should have every faith in what goes forward.

I just want to refer to new clauses 6 and 14. There is an argument that they do not make it clear to whom the protections apply, and that is to do with their scope. I am proud of the fact that I hail from a constituency that has a massive agri-food industry, which includes businesses that not only supply to the UK, but are globally recognised and trusted. I have manufacturers which ship to the middle east, America and Europe, and are now branching out to the far east. Mash Direct, a major employer in my constituency, employs some 40% of its workforce from eastern Europe. For Willowbrook Foods, the figure is 60%. We also have Lakeland Dairies, which covers Pritchitts Foods and Rich Sauces. All those businesses provide some 2,000 jobs in total.

Some of the workers have met and married locals, so there must be no road blocks to their ability to remain and work in this country and live their lives. The Secretary of State for Environment, Food and Rural Affairs visited Northern Ireland a couple of months ago and saw some of those factories and spoke to the people. She told me that she was very keen to ensure that the people working in the factories will have security of tenure and I fully support that.

However, I must underline my opening remarks and say that those who are living, working and integrating in our society and local economy deserve our protection. The Prime Minister is well within her rights to ensure that those who live and work here, or who are married to a British person, should have the ability to remain. None the less, there is no doubt that we must curb migration, which does not enhance life in the UK in relation to economic migrants. We must also ensure that our paramount concern is allowing businesses to continue to retain their workforce without fear and to have the ability unequivocally to offer job security to that workforce in order to keep the workers right here in the United Kingdom of Great Britain and Northern Ireland.

Julian Knight: I will keep my comments brief as I am aware of the shortage of time. I was for remain in the referendum mainly because of the potential for short and medium-term economic dislocation, particularly within my constituency, which is likely to have among the highest trade surpluses with the EU, mostly off the bonnet of the Jaguar Land Rover cars that we sell into the single market. The debate was lost, and I still think we face difficult times ahead.

I believe in free trade. We have to strike out as best we can, but it will be tough in a world of growing protectionism. When we leave the EU, the key is to make the best possible deal. For me, that does not mean having membership of the single market. During the referendum campaign and for years before, the message on the doorsteps was loud and clear: no freedom of movement. People do not want freedom of movement, but the single

market comes with that requirement so that is off the table straightaway, as the Prime Minister has made clear.

The difficulty with being in the customs union is that we would not be able to have our own trade deals with the rest of the world. We would be hamstrung. The European economic area, customs unions and single market membership are antechambers to entering the EU. We are leaving the EU. We are a country of 65 million people with a sophisticated, large economy, so it is completely inappropriate to have that type of model. We need our own model, and any attempts to frustrate that with amendments or to make the Government expose their hand too early, will damage our negotiations.

8.30 pm

The Minister of State, Department for Exiting the European Union (Mr David Jones): This short Bill has attracted a large number of new clauses that fall into a number of broad categories. I will first deal with the issue of parliamentary scrutiny, which has engaged the attention of a large number of hon. and right hon. Members. From listening to the debate, I am clear that there is actually a considerable amount of common ground across the Chamber. The Government also agree that parliamentary scrutiny is essential as we withdraw from the European Union. Indeed, the whole object of leaving the European Union is to ensure that our Parliament can take back our own laws. For that purpose, scrutiny is essential.

I recognise the thoughtfulness in the wording of many of the amendments that seek to formalise the mode of scrutiny, but it will probably surprise nobody that I will not accept any of them. This is a straightforward Bill that gives us the means to respect the result of the referendum and the judgment of the Supreme Court. As the Court made absolutely clear, this is about not whether we leave or the terms on which we leave, but simply the mechanics under which we trigger the process of leaving. In many cases, the amendments discussed today have virtually nothing to do with the Bill, and I resist them for two principal reasons. First, many are unnecessary in that what they seek to achieve is effectively already being done by the Government. No one can deny that the Secretary of State, as the hon. Member for Greenwich and Woolwich (Matthew Pennycook) recognised, has been assiduous in his engagement with Parliament. The process has been the source of intense scrutiny over the past seven months.

Stephen Gethins: Will the Minister tell us whether reassuring EU nationals is unnecessary?

Mr Jones: I will come to EU nationals later. As I explained a moment ago, I am currently dealing with the issue of scrutiny, not with the issue of EU nationals.

One can see from the Secretary of State's record of engagement that he has given an oral statement on an almost monthly basis—far more than the bimonthly or quarterly updates to Parliament requested in the new clauses. Ministers from across Government have been at this Dispatch Box many times to debate our EU exit. The Prime Minister has given a statement after every Council, including one today. That is in addition to holding debates on the EU exit in Government time, and 15 appearances at Select Committees by Ministers and officials from all Departments.

Helen Goodman: I am pleased that the Minister understands that parliamentary scrutiny is essential, but we have heard from Government Back Benchers that everything will have to close down once the negotiations begin. Therefore, what has happened in the past seven months is not, strictly speaking, relevant to what will happen over the next two years. The purpose of new clause 3 and new clause 28 is to provide forward-looking scrutiny.

Mr Jones: I understand the hon. Lady's point. However, it is not the case that everything will, as she puts it, "close down". There will certainly be negotiations and it is important that they continue, to a certain extent, with privacy. At the same time, the Government have made it clear, time after time, that we fully appreciate the need for engagement with and scrutiny by Parliament, provided, of course, that it does not adversely affect the negotiations.

Geraint Davies: Does the Minister agree that the final deal should in fact be scrutinised by the British people, who should have the final say on whether it represents their reasonable expectations when they voted to leave? If it does not, they should have the chance to stay in the EU.

Mr Jones: The British people have had their say very clearly: they have instructed this Parliament that they wish to leave the European Union. I know that the hon. Gentleman does not like that result, but that is the hard fact.

We have aimed at all times scrupulously to fulfil Parliament's legitimate need for information, and we will continue to do so. As well as keeping Parliament informed, we will pay regard to all the motions passed on the outcome of negotiations associated with the Bill—as proposed in new clause 176—just as we have already paid regard to the motions passed on Opposition days on 12 October and 7 December.

On the provisions of new clause 3 concerning information sharing, the Secretary of State has been clear since the very early days following the referendum that he will keep Parliament at least as well informed as the European Parliament as the negotiations progress. The new clause asks us to reaffirm that position so that Parliament receives the same documents that the European Parliament or any of its committees receive from the Council or the Commission.

The Government are absolutely resolute that the House will not be at an information disadvantage compared with the European Parliament, but the new clause is flawed, simply because the United Kingdom Government may not be privy to what information is passed confidentially between the Commission, or the other EU institutions, and the Parliament. In the same way, the House would not expect the Government to pass all our documents relating to a highly sensitive negotiation to the other side.

What I can do, however, is confirm that the Government will keep Parliament well informed, and as soon as we know how the EU institutions will share their information, we will give more information on what Parliament will receive and on the mechanisms for that, including on the provision of arrangements for the scrutiny of confidential documents.

The second category of amendments and new clauses, which, again, I must resist, because they pre-judge the negotiations to follow, ask for formal reporting on myriad subjects or for votes on unilateral commitments. The exact structure of the negotiations has not yet been determined and may very well be a matter for negotiation itself. Therefore, setting an arbitrary reporting framework makes no sense at all. There will be times when there is a great deal to report on, and times when there is very little. The Prime Minister and the Secretary of State have already made serious undertakings as to how they will report to the House.

Chris Leslie: I am grateful to the Minister for giving way, because I know there are a lot of issues to be covered. However, to take just the example of the European arrest warrant, could he at least give us an indication of what the Government's objectives are? Does he want us to stay part of it?

Mr Jones: Clearly, we require, and we are looking to achieve, close co-operation with the European Union on security matters, but, again, these will be a matter for negotiation, and as the negotiations progress, we will keep the House informed.

The commitments that the Prime Minister and the Secretary of State have given are important. That is why the Government published the White Paper on our negotiating position last week, with an introduction by the Prime Minister, once again stating our clear aims for the negotiations. That includes, for example, the implementation phases referred to by hon. Member for Brighton, Pavilion (Caroline Lucas)—those are part of our objectives.

Caroline Lucas: Will the Minister give way?

Mr Jones: No, I will not give way, because I have little time.

The Secretary of State announced in the recent White Paper that there will be a further White Paper published on the great repeal Bill so that Parliament can be fully informed of the provisions of the Bill in good time. After that, the Government will continue upholding their commitment through the primary and secondary legislation that will undoubtedly be required.

New clauses that ask for specific reporting to Parliament after article 50 is invoked, including new clauses 3, 20, 22, 29, 51, 111 to 130, and 151—on our relationship with EU agencies, competition policy, environmental regulations, the UK renewables sector and virtually every other aspect of our relationship with the EU—are dangerous. They would bind us to an inflexible timetable of updates as we try to navigate a complex set of negotiations.

Graham Stringer (Blackley and Broughton) (Lab): I am following the Minister's speech carefully. Does he agree that it is a mistake to put the procedures of this House into primary legislation, giving the courts an unnecessary locus to interfere with our affairs?

Mr Jones: The hon. Gentleman makes an extremely important point. If these provisions were put into the Bill, there is no doubt that they would become justiciable, therefore leading to further delay. What this country requires at the moment is certainty and speed, and instead we would have uncertainty and delay.

Caroline Lucas: Would the Minister acknowledge that there is at least a possibility that a new trade agreement will not be agreed in a very tight two-year period? If he does acknowledge that that is a risk, why will he not put in place a transitional arrangement to protect our businesses from crashing out of the EU without such an arrangement?

Mr Jones: I can go no further than what I have already said. Of course, transitional arrangements require bilateral agreement. We have already indicated that that is what we are aiming at, but it takes two to tango in this regard.

Amendment 78 would require the Foreign Secretary to publish a work programme for UKRep for the duration of the negotiating period. This is simply an attempt to delay notification by creating new obligations on and impediments for the Government.

I turn now to a matter that has, quite understandably, exercised a large number of colleagues. I want to refer to these amendments and new clauses in detail. They relate to the status of EU citizens. Providing certainty for this group of people is an important issue for the Government. That is why the Prime Minister, in her speech, made it one of our 12 priority objectives for negotiations.

Margaret Ferrier (Rutherglen and Hamilton West) (SNP) *rose*—

Mr Jones: I will not give way, I am afraid—I have very little time.

While these amendments call for different cut-off dates and vary in wording and terminology, they all share the same aim—to guarantee the status of EU nationals currently in the UK. The Government wholeheartedly agree with this aim. As my right hon. Friend the Prime Minister has said repeatedly, most recently this very afternoon, securing the status of EU nationals is one of the foremost priorities of this Government. We have stood ready to reach an agreement from the beginning, because it is not in anyone's interest to allow any uncertainty over this issue to continue.

Margaret Ferrier *rose*—

Mr Jones: I will not give way because I have little time.

As the Prime Minister told the House this afternoon, the Government recognise that European citizens who are resident in the UK make a vital contribution both to our economy and to our communities. That contribution was highlighted very personally in the speech by my hon. Friend the Member for South Leicestershire (Alberto Costa). Without them, we would all be poorer, not least our important public services such as the national health service.

Margaret Ferrier *rose*—

Alan Brown (Kilmarnock and Loudoun) (SNP) *rose*—

Mr Jones: I will not give way any further.

This is less an issue of principle than of timing, with a few EU countries insisting that there can be no negotiation without notification, and that therefore nothing can be settled until article 50 is triggered. We could not be clearer about our determination to resolve this issue at the earliest possible opportunity, ensuring that the

status of UK nationals in the EU is similarly protected. Some hon. Members have called for a unilateral guarantee now, but we have a very clear duty to UK citizens living in other EU member states, of whom there are about 1 million, to look after their interests and provide as much certainty as possible for their futures as well. Some hon. Members have suggested that we should, in effect, offer a unilateral guarantee to EU nationals in the UK while at the same time failing to achieve security for our own nationals abroad. That is a course that would carry the risk of a prolonged period of stressful uncertainty for them, which we are not prepared to accept. Only after we have passed this Bill into law can my right hon. Friend the Prime Minister trigger article 50—

Sir Gerald Howarth (Aldershot) (Con): Will my right hon. Friend give way?

Mr Jones: I will take no further interventions; I am sorry. Only after the Bill has become law can my right hon. Friend the Prime Minister trigger article 50 and thus provide certainty not only to EU nationals living within our borders, but to our nationals overseas.

New clause 33 calls on the Prime Minister to set out a draft framework, especially with regard to the new immigration system, prior to notification. We have already set out in our White Paper that we will introduce an immigration Bill, and I reassure colleagues that Parliament will have a clear opportunity to debate and vote on the matter. The great repeal Bill will not change our immigration system; that will be done by a separate immigration Bill and subsequent secondary legislation. Nothing will change for any EU citizen, whether they are already resident in the UK or moving from the UK, without Parliament's approval.

Sir Gerald Howarth: I am extremely grateful to my right hon. Friend, who is doing a fantastic job in this position on behalf of the British people. We are all concerned about our constituents who are EU citizens and who want certainty on this matter, but I am advising my constituents who express concern to me that they should write to their own Governments, who are standing in the way of sorting out this problem. Will my right hon. Friend ensure that foreign Governments who are standing in the way of a settlement on the matter are left in no doubt that we find that objectionable?

Mr Jones: My hon. Friend makes an important point.

Alan Brown *rose*—

Mr Jones: Bear with me. This will be a matter for negotiation in due course, but ultimately we must all be conscious of the fact that we are dealing with human beings—families, and people who are concerned about their futures and their careers. Not only do we have a duty in that regard, but there is a duty right across the European Union to protect the interests of those individuals.

8.45 pm

Margaret Ferrier *rose*—

Mr Jones: I will give way in a moment. I can tell the House that I have discussed the matter on numerous occasions with my EU counterparts. They assure me that they fully understand that it is an issue of simple humanity that must be put at the top of the agenda

[Mr David Jones]

when the negotiations commence. We must wait until the negotiations commence, and until they do, we must not make any concessions.

Margaret Ferrier: I thank the Minister for finally giving way. I want to talk about my constituent Mr Joerg Nueter, who is from Germany and who came to see me on Friday. He has lived in Scotland for almost four years, and he is understandably concerned about his future and the uncertainty surrounding his residency. There is nothing preventing the Government from providing that certainty to him and to millions tonight. Will the Minister do that now?

Mr Jones: We owe the primary responsibility to our citizens in EU countries, but we also owe a duty to EU nationals in this country to ensure that their interests are protected. Frankly, this is a matter for their Governments, too.

This has been an interesting, lengthy and important debate, but I must resist all the new clauses and amendments.

Matthew Pennycook: I will be very brief. I am pleased that the Minister has recognised the thoughtfulness of new clause 3 and other new clauses and amendments, and I note his intention to keep the House well informed. It is deeply disappointing that he has resisted new clause 3, however, so we seek to test the will of the Committee on the matter.

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

The Committee divided: Ayes 284, Noes 333.

Division No. 137]

[8.48 pm

AYES

Abbott, Ms Diane	Brown, rh Mr Nicholas
Abrahams, Debbie	Bryant, Chris
Ahmed-Sheikh, Ms Tasmina	Buck, Ms Karen
Alexander, Heidi	Burgon, Richard
Ali, Rushanara	Burnham, rh Andy
Allen, Mr Graham	Butler, Dawn
Allin-Khan, Dr Rosena	Byrne, rh Liam
Anderson, Mr David	Cadbury, Ruth
Arkless, Richard	Cameron, Dr Lisa
Ashworth, Jonathan	Campbell, rh Mr Alan
Austin, Ian	Campbell, Mr Ronnie
Bailey, Mr Adrian	Carmichael, rh Mr Alistair
Bardell, Hannah	Champion, Sarah
Barron, rh Sir Kevin	Chapman, Douglas
Beckett, rh Margaret	Chapman, Jenny
Benn, rh Hilary	Cherry, Joanna
Berger, Luciana	Clarke, rh Mr Kenneth
Betts, Mr Clive	Clwyd, rh Ann
Black, Mhairi	Coaker, Vernon
Blackford, Ian	Coffey, Ann
Blackman, Kirsty	Cooper, Julie
Blackman-Woods, Dr Roberta	Cooper, Rosie
Blenkinsop, Tom	Cooper, rh Yvette
Blomfield, Paul	Corbyn, rh Jeremy
Boswell, Philip	Cowan, Ronnie
Brabin, Tracy	Coyle, Neil
Bradshaw, rh Mr Ben	Crausby, Sir David
Brake, rh Tom	Crawley, Angela
Brennan, Kevin	Creagh, Mary
Brock, Deidre	Creasy, Stella
Brown, Alan	Cruddas, Jon
Brown, Lyn	Cryer, John

Cummins, Judith	Johnson, Diana
Cunningham, Alex	Jones, Gerald
Cunningham, Mr Jim	Jones, Graham
Dakin, Nic	Jones, Helen
David, Wayne	Jones, Mr Kevan
Davies, Geraint	Jones, Susan Elan
Day, Martyn	Kane, Mike
De Piero, Gloria	Keeley, Barbara
Docherty-Hughes, Martin	Kendall, Liz
Donaldson, Stuart Blair	Kerevan, George
Doughty, Stephen	Kerr, Calum
Dowd, Jim	Kinnock, Stephen
Dowd, Peter	Kyle, Peter
Dromey, Jack	Lamb, rh Norman
Dugher, Michael	Lammy, rh Mr David
Durkan, Mark	Lavery, Ian
Eagle, Ms Angela	Law, Chris
Eagle, Maria	Leslie, Chris
Edwards, Jonathan	Lewell-Buck, Mrs Emma
Efford, Clive	Lewis, Clive
Elliott, Julie	Lewis, Mr Ivan
Ellman, Mrs Louise	Long Bailey, Rebecca
Elmore, Chris	Lucas, Caroline
Esterson, Bill	Lucas, Ian C.
Evans, Chris	Lynch, Holly
Farrelly, Paul	Mactaggart, rh Fiona
Farron, Tim	Madders, Justin
Fellows, Marion	Mahmood, Mr Khalid
Ferrier, Margaret	Mahmood, Shabana
Field, rh Frank	Malhotra, Seema
Fitzpatrick, Jim	Mann, John
Flello, Robert	Marris, Rob
Fletcher, Colleen	Marsden, Gordon
Flint, rh Caroline	Maskell, Rachael
Flynn, Paul	Matheson, Christian
Fovargue, Yvonne	Mc Nally, John
Foxcroft, Vicky	McCabe, Steve
Furniss, Gill	McCaig, Callum
Gapes, Mike	McCarthy, Kerry
Gardiner, Barry	McDonagh, Siobhain
Gethins, Stephen	McDonald, Andy
Gibson, Patricia	McDonald, Stewart Malcolm
Glindon, Mary	McDonald, Stuart C.
Goodman, Helen	McDonnell, Dr Alasdair
Grady, Patrick	McDonnell, rh John
Grant, Peter	McFadden, rh Mr Pat
Gray, Neil	McGarry, Natalie
Green, Kate	McGinn, Conor
Greenwood, Lilian	McGovern, Alison
Greenwood, Margaret	McInnes, Liz
Griffith, Nia	McKinnell, Catherine
Gwynne, Andrew	McLaughlin, Anne
Haigh, Louise	McMahon, Jim
Hamilton, Fabian	Meale, Sir Alan
Hanson, rh Mr David	Miliband, rh Edward
Harman, rh Ms Harriet	Monaghan, Carol
Harris, Carolyn	Monaghan, Dr Paul
Hayes, Helen	Moon, Mrs Madeleine
Hayman, Sue	Morden, Jessica
Healey, rh John	Morris, Grahame M.
Hendrick, Mr Mark	Mulholland, Greg
Hendry, Drew	Mullin, Roger
Hepburn, Mr Stephen	Murray, Ian
Hermon, Lady	Nandy, Lisa
Hillier, Meg	Newlands, Gavin
Hodgson, Mrs Sharon	Nicolson, John
Hollern, Kate	O'Hara, Brendan
Hosie, Stewart	Olney, Sarah
Huq, Dr Rupa	Onn, Melanie
Hussain, Imran	Onwurah, Chi
Jarvis, Dan	Osamor, Kate
Johnson, rh Alan	Oswald, Kirsten

Owen, Albert
 Paterson, Steven
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Phillipson, Bridget
 Pound, Stephen
 Powell, Lucy
 Pugh, John
 Qureshi, Yasmin
 Rayner, Angela
 Reed, Mr Steve
 Rees, Christina
 Reeves, Rachel
 Reynolds, Jonathan
 Rimmer, Marie
 Ritchie, Ms Margaret
 Robertson, rh Angus
 Robinson, Mr Geoffrey
 Rotheram, Steve
 Ryan, rh Joan
 Salmond, rh Alex
 Saville Roberts, Liz
 Shah, Naz
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Sheppard, Tommy
 Sherriff, Paula
 Shuker, Mr Gavin
 Siddiq, Tulip
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, rh Mr Andrew
 Smith, Cat
 Smith, Nick
 Smith, Owen
 Smyth, Karin
 Spellar, rh Mr John

Starmer, Keir
 Stephens, Chris
 Stevens, Jo
 Streeting, Wes
 Tami, Mark
 Thewliss, Alison
 Thomas, Mr Gareth
 Thomas-Symonds, Nick
 Thompson, Owen
 Thomson, Michelle
 Thornberry, Emily
 Timms, rh Stephen
 Trickett, Jon
 Turley, Anna
 Turner, Karl
 Twigg, Derek
 Twigg, Stephen
 Umunna, Mr Chuka
 Vaz, rh Keith
 Vaz, Valerie
 Watson, Mr Tom
 Weir, Mike
 West, Catherine
 Whiteford, Dr Eilidh
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Williams, Hywel
 Williams, Mr Mark
 Wilson, Corri
 Wilson, Phil
 Winnick, Mr David
 Winterton, rh Dame Rosie
 Wishart, Pete
 Woodcock, John
 Wright, Mr Iain
 Zeichner, Daniel

Tellers for the Ayes:
Thangam Debonnaire and
Jeff Smith

NOES

Adams, Nigel
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Amess, Sir David
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Baron, Mr John
 Barwell, Gavin
 Bebb, Guto
 Bellingham, Sir Henry
 Benyon, Richard
 Beresford, Sir Paul
 Berry, Jake
 Berry, James
 Bingham, Andrew
 Blackman, Bob
 Blackwood, Nicola
 Blunt, Crispin
 Bone, Mr Peter
 Borwick, Victoria
 Bottomley, Sir Peter

Bradley, rh Karen
 Brady, Mr Graham
 Brazier, Sir Julian
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burns, Conor
 Burns, rh Sir Simon
 Burrowes, Mr David
 Burt, rh Alistair
 Cairns, rh Alun
 Campbell, Mr Gregory
 Carmichael, Neil
 Carswell, Mr Douglas
 Cartlidge, James
 Cash, Sir William
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Hope, Mr Christopher
 Churchill, Jo
 Clark, rh Greg
 Cleverly, James
 Clifton-Brown, Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Colville, Oliver

Costa, Alberto
 Courts, Robert
 Cox, Mr Geoffrey
 Crabb, rh Stephen
 Crouch, Tracey
 Davies, Byron
 Davies, Chris
 Davies, David T. C.
 Davies, Glyn
 Davies, Dr James
 Davies, Mims
 Davies, Philip
 Davis, rh Mr David
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Dodds, rh Mr Nigel
 Donaldson, rh Sir Jeffrey M.
 Donelan, Michelle
 Dorries, Nadine
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duddridge, James
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Elliott, Tom
 Ellis, Michael
 Ellison, Jane
 Ellwood, Mr Tobias
 Elphicke, Charlie
 Eustice, George
 Evans, Graham
 Evans, Mr Nigel
 Evennett, rh David
 Fabricant, Michael
 Fallon, rh Sir Michael
 Fernandes, Suella
 Field, rh Mark
 Foster, Kevin
 Fox, rh Dr Liam
 Francois, rh Mr Mark
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fuller, Richard
 Fysh, Marcus
 Garnier, rh Sir Edward
 Garnier, Mark
 Gauke, rh Mr David
 Ghani, Nusrat
 Gibb, rh Mr Nick
 Gillan, rh Mrs Cheryl
 Glen, John
 Goodwill, Mr Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Gray, Mr James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Grieve, rh Mr Dominic
 Griffiths, Andrew
 Gummer, rh Ben
 Gyimah, Mr Sam
 Halfon, rh Robert
 Hall, Luke

Hammond, rh Mr Philip
 Hammond, Stephen
 Hancock, rh Matt
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Hart, Simon
 Haselhurst, rh Sir Alan
 Hayes, rh Mr John
 Heald, rh Sir Oliver
 Heapey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Hinds, Damian
 Hoare, Simon
 Hoey, Kate
 Hollingbery, George
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Mr Adam
 Hopkins, Kelvin
 Hopkins, Kris
 Howarth, Sir Gerald
 Howell, John
 Howlett, Ben
 Huddleston, Nigel
 Hunt, rh Mr Jeremy
 Hurd, Mr Nick
 Jackson, Mr Stewart
 James, Margot
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, rh Boris
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Kennedy, Seema
 Kinahan, Danny
 Kirby, Simon
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lancaster, Mark
 Latham, Pauline
 Leadsom, rh Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Leslie, Charlotte
 Letwin, rh Sir Oliver
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David
 Lilley, rh Mr Peter
 Lopresti, Jack
 Lord, Jonathan
 Loughton, Tim
 Lumley, Karen
 Mackinlay, Craig
 Mackintosh, David

Main, Mrs Anne	Shapps, rh Grant
Mak, Mr Alan	Sharma, Alok
Malthouse, Kit	Shelbrooke, Alec
Mann, Scott	Simpson, David
Mathias, Dr Tania	Simpson, rh Mr Keith
May, rh Mrs Theresa	Skidmore, Chris
Maynard, Paul	Smith, Chloe
McCartney, Jason	Smith, Henry
McCartney, Karl	Smith, Julian
McLoughlin, rh Sir Patrick	Smith, Royston
McPartland, Stephen	Soames, rh Sir Nicholas
Menzies, Mark	Solloway, Amanda
Mercer, Johnny	Soubry, rh Anna
Merriman, Huw	Spelman, rh Dame Caroline
Metcalfe, Stephen	Stephenson, Andrew
Miller, rh Mrs Maria	Stevenson, John
Milling, Amanda	Stewart, Bob
Mills, Nigel	Stewart, Iain
Milton, rh Anne	Stewart, Rory
Mitchell, rh Mr Andrew	Streeter, Mr Gary
Mordaunt, Penny	Stride, Mel
Morgan, rh Nicky	Stringer, Graham
Morris, Anne Marie	Stuart, rh Ms Gisela
Morris, David	Sturdy, Julian
Morris, James	Sunak, Rishi
Morton, Wendy	Swayne, rh Sir Desmond
Mowat, David	Swire, rh Sir Hugo
Mundell, rh David	Syms, Mr Robert
Murray, Mrs Sheryll	Thomas, Derek
Murrison, Dr Andrew	Throup, Maggie
Neill, Robert	Timpson, Edward
Newton, Sarah	Tolhurst, Kelly
Nokes, Caroline	Tomlinson, Justin
Norman, Jesse	Tomlinson, Michael
Nuttall, Mr David	Tracey, Craig
Offord, Dr Matthew	Tredinnick, David
Opperman, Guy	Trevelyan, Mrs Anne-Marie
Osborne, rh Mr George	Truss, rh Elizabeth
Paisley, Ian	Tugendhat, Tom
Patel, rh Priti	Turner, Mr Andrew
Paterson, rh Mr Owen	Vaizey, rh Mr Edward
Pawsey, Mark	Vara, Mr Shailesh
Penning, rh Mike	Vickers, Martin
Penrose, John	Villiers, rh Mrs Theresa
Percy, Andrew	Walker, Mr Charles
Perry, Claire	Walker, Mr Robin
Philp, Chris	Wallace, Mr Ben
Pickles, rh Sir Eric	Warburton, David
Pincher, Christopher	Warman, Matt
Poulter, Dr Daniel	Watkinson, Dame Angela
Pow, Rebecca	Wharton, James
Prentis, Victoria	Whately, Helen
Prisk, Mr Mark	Wheeler, Heather
Pritchard, Mark	White, Chris
Pursglove, Tom	Whittaker, Craig
Quin, Jeremy	Whittingdale, rh Mr John
Quince, Will	Wiggin, Bill
Raab, Mr Dominic	Williams, Craig
Redwood, rh John	Williamson, rh Gavin
Rees-Mogg, Mr Jacob	Wilson, Mr Rob
Robertson, Mr Laurence	Wilson, Sammy
Robinson, Mary	Wollaston, Dr Sarah
Rosindell, Andrew	Wragg, William
Rudd, rh Amber	Wright, rh Jeremy
Rutley, David	Zahawi, Nadhim
Sandbach, Antoinette	
Scully, Paul	Tellers for the Noes:
Selous, Andrew	Graham Stuart and
Shannon, Jim	Mark Spencer

Question accordingly negated.

Chris Leslie: On a point of order, Ms Engel. I seek your guidance on how right hon. and hon. Members can divide on some of these incredibly crucial issues. The knife in proceedings has curtailed not just debate but our opportunity to vote on such incredibly important matters as the European arrest warrant and the single market. What can be done? Why could we not have more votes on these new clauses?

The Second Deputy Chairman of Ways and Means (Natascha Engel): Before I answer the hon. Gentleman's point of order, I should say that any further points of order will bite into the next group of amendments.

The Chairs, the Temporary Chairs and the Clerks spent a long time looking at every amendment in detail over three days, and we decided that we would put the lead new clause to a Division today and then move on to the second group. I also just want to take this opportunity to say that the Committee will vote on the issue of EU nationals on Wednesday. It is not for the Chair to explain why a decision has been taken. It has been taken, and there will be no explanation of it.

Several hon. Members *rose*—

The Second Deputy Chairman: Order. On that note, unless there are any new points of order, I think that we should move on. It is important that we allow as much time as possible to debate the next group of amendments.

Wes Streeting: Further to that point of order, Ms Engel. I am grateful to you. I do not think that any hon. Member would want to challenge the Chair's decision. In the previous group, we discussed dozens of amendments, including my new clause 56 on our future relationship with the European economic area. The former Chancellor said that the economy was not the Government's priority in the EU negotiations. What can we do to make sure the public are aware that we are taking our scrutiny seriously?

The Second Deputy Chairman: That is not a point of order. It is very close to challenging the decision of the Chair.

Alex Salmond (Gordon) (SNP) *rose*—

The Second Deputy Chairman: I am happy to take the right hon. Gentleman's point of order, but the next group is on devolved legislatures, so he will be eating into the time for the minority parties.

Alex Salmond: There is no challenge to the Chair in any of these points of order. Hon. Members are entitled to point out that this programme order is railroading debate on the biggest constitutional decision facing this country for 50 years. The Chairman's Panel might have no alternative but to follow the programme order, but hon. Members are entitled to challenge it.

The Second Deputy Chairman: Order. This is not about the programme motion on which the House voted. That was not a decision taken by the Chairs. I think we should move on.

Stephen Doughty: Further to that point of order, Ms Engel. I simply seek clarification of something you said a few moments ago about the selection of the lead amendment to vote on in each case. Is it the case that in respect of all the groups of amendments we are going to debate over the next three days, only the lead amendment will be voted on? If so, I think it would be of great concern to all members of the Committee.

The Second Deputy Chairman: It may be, but it is not necessarily the case. For this group, we decided that only the lead amendment would lead to a Division. Let us move on.

Mr Sheerman: Further to that point of order, Ms Engel. On that last point, we have to answer to our constituents. Many of them will not understand why many of the amendments that have been tabled, in which they are deeply interested, have not been chosen tonight in a very open or democratic manner.

The Second Deputy Chairman: I am going to move on. That is not a point of order. This was a decision taken by the Chair. It was a difficult decision, and I understand Members' frustrations, but the points have been made and we really need to move on.

New Clause 4

JOINT MINISTERIAL COMMITTEE (EU NEGOTIATIONS)

“(1) In negotiating and concluding any agreements in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must consult, and take into account the views of, a Joint Ministerial Committee at intervals of no less than two months and before signing any agreements with the European Commission.

(2) In the course of consulting under subsection (1), the Secretary of State must seek to reach a consensus with the devolved administrations on—

- (a) the terms of withdrawal from the European Union, and
- (b) the framework for the United Kingdom's future relationship with the European Union.

(3) Subject to subsection (4) The Joint Ministerial Committee shall consist of—

- (a) the Prime Minister,
- (b) Ministers of the Crown,
- (c) the First Minister of Scotland and a further representative of the Scottish Government,
- (d) the First Minister of Wales and a further representative of the Welsh Government, and
- (e) the First Minister of Northern Ireland, the Deputy First Minister of Northern Ireland and a further representative of the Northern Ireland Executive.

(4) The Prime Minister may, for the purposes of this Act, determine that the Joint Ministerial Committee shall consist of representatives of the governing authorities of the United Kingdom, Scotland, Wales and Northern Ireland.

(5) The Joint Ministerial Committee shall produce a communique after each meeting.”—(*Jenny Chapman.*)

This new clause would place the role of the Joint Ministerial Committee during Brexit negotiations on a statutory footing.

Brought up, and read the First time.

Jenny Chapman (Darlington) (Lab): I beg to move, That the clause be read a Second time.

The Second Deputy Chairman of Ways and Means (Natascha Engel): With this it will be convenient to discuss the following:

New clause 23—*Duty to Consult Scottish Government on Article 50 negotiations applying to Scotland*—

“(1) In negotiating an agreement in accordance with Article 50(2) of the Treaty on European Union, a Minister of the Crown must consult Scottish Government Ministers before beginning negotiations in any area that would make provisions applying to Scotland.

(2) A provision applies to Scotland if it—

- (a) modifies the legislative competence of the Scottish Parliament;
- (b) modifies the functions of any member of the Scottish Government;
- (c) modifies the legal status of EU nationals resident in Scotland, and Scottish nationals resident elsewhere in the EU;
- (d) would have the effect of removing the UK from the EU single market.

(3) Where a Minister of the Crown consults Scottish Government Ministers on any of the provisions listed under subsection (2), or on any other matter relating to Article 50 negotiations, the discussions should be collaborative and discuss each government's requirements of the future relationship with the EU.

(4) Where a Minister of the Crown has consulted Scottish Government Ministers on any of the provisions listed under subsection (2), the Minister of the Crown must lay a full report setting out the details of those consultations before both Houses of Parliament, and must provide a copy to the Presiding Officer of the Scottish Parliament.”

New clause 24—*Joint Ministerial Committee (EU Negotiations)*—*duty to report*—

“(1) The Joint Ministerial Committee (EU Negotiations) must publish regular reports on the impact of negotiations in accordance with Article 50(2) of the Treaty on the European Union on the devolved administrations of Scotland, Wales and Northern Ireland.

(2) The reports shall be published at intervals of no less than two months, and a report must be published after every meeting of the Joint Ministerial Committee (EU Negotiations).

(3) The reports shall include—

- (a) a full minute from the most recent meeting of the Joint Ministerial Committee (EU Negotiations);
- (b) oversight of negotiations with the EU, to ensure, as far as possible, that outcomes agreed by all four governments are secured from these negotiations; and
- (c) any other information that the members of the Committee, in concord, judge to be non-prejudicial to the progress of the Article 50 negotiations.

(4) The reports must be laid before both Houses of Parliament, and a copy of the reports must be transmitted to the Presiding Officers of the Scottish Parliament, the Welsh Assembly, and the Northern Irish Assembly.”

New clause 26—*Agreement of the Joint Ministerial Committee on European Negotiation*—

“The Prime Minister may not exercise the power under section 1(1) until at least one month after all members of the Joint Ministerial Committee on European Negotiation have agreed a UK wide approach to, and objectives for, the UK's negotiations for withdrawal from the EU.”

New clause 139—*Requirement for debate on process for exiting the EU*—

“The Prime Minister may not exercise the power under section 1 until—

- (a) the Speaker of the House of Commons,
- (b) the Lord Speaker of the House of Lords,
- (c) the Presiding Officer of the Scottish Parliament,

(d) the Presiding Officer of the National Assembly for Wales, and

(e) the Speaker of the Northern Ireland Assembly

have each certified that a debate has been held in their respective legislatures in relation to the First Report of the House of Commons Exiting the European Union Committee, Session 2016-17, HC815.”

New clause 140—*Meeting with the First Ministers of Devolved Administrations*—

“The Prime Minister may not exercise the power under section 1 until—

(a) the Prime Minister has met with the First Ministers of Scotland, Wales and Northern Ireland to discuss the formal notification process and;

(b) the Joint Ministerial Committee has unanimously agreed to the Prime Minister making such a notification.”

New clause 144—*Representation of devolved administrations in withdrawal negotiations*—

“The Prime Minister may not exercise the power under section 1 until she has committed to ensuring that the devolved administrations will have direct representation in the negotiations relating to the United Kingdom’s withdrawal from the EU.”

New clause 147—*Scottish Government ministers*—

“For the purpose of Article 50(1) of the Treaty on the European Union the words ‘in accordance with its own constitutional requirements’ shall be deemed to require the inclusion of Scottish Government ministers in negotiations between the UK and the European Union on matters which would be reserved to the UK by virtue of any transposition from EU law but on which competence would otherwise be devolved to Scotland under any Act of Parliament.”

New clause 148—*Welsh Government ministers*—

“For the purpose of Article 50(1) of the Treaty on the European Union the words ‘in accordance with its own constitutional requirements’ shall be deemed to require the inclusion of Welsh Government ministers in negotiations between the UK and the European Union on matters which would be reserved to the UK by virtue of any transposition from EU law but on which competence would otherwise be devolved to Wales under any Act of Parliament.”

New clause 149—*Northern Ireland Executive ministers*—

“For the purpose of Article 50(1) of the Treaty on the European Union the words ‘in accordance with its own constitutional requirements’ shall be deemed to require the inclusion of Northern Ireland Executive ministers in negotiations between the UK and the European Union on matters which would be reserved to the UK by virtue of any transposition from EU law but on which competence would otherwise be devolved to Northern Ireland under any Act of Parliament.”

New clause 158—*Continued levels of EU funding for Wales*—

“Before the Prime Minister exercises the power under section 1, the Secretary of State must lay a report before—

(a) Parliament, and

(b) the National Assembly for Wales

outlining the effect of the United Kingdom’s withdrawal from the EU on the National Assembly for Wales’ block grant.”

This new clause would require the UK Government to lay a report before the National Assembly for Wales outlining the effect of the UK’s withdrawal from the EU on Welsh finances, before exercising the power under section 1. This would allow for scrutiny of the Leave Campaign’s promise to maintain current levels of EU funding for Wales.

New clause 159—*Differentiated agreement for Wales*—

“The Prime Minister may not exercise the power under section 1 until a Minister of the Crown has confirmed that Her Majesty’s Government will conduct a consultation exploring a differentiated agreement for Wales to remain in the European Economic Area.”

This new clause would require the UK Government to conduct a consultation exploring a differentiated agreement for Wales to remain in the European Economic Area, before exercising the power under section 1.

New clause 160—*Endorsement of the final deal for withdrawal from the EU by the devolved assemblies*—

“Before exercising the power under section 1, the Prime Minister must give a commitment that Her Majesty’s Government shall submit the terms of any proposed agreement with the European Union on the UK’s withdrawal to—

(a) the National Assembly for Wales,

(b) the Northern Ireland Assembly, and

(c) the Scottish Parliament

and that the Government will not proceed with any agreement on those terms unless it has been approved by each of the devolved assemblies.”

This new clause would require the Prime Minister to commit to gaining the endorsement of the final deal for withdrawal from the EU by the devolved assemblies, before exercising the power under section 1.

New clause 162—*Review into the UK constitution*—

“Before the Prime Minister can exercise the power under section 1, the Prime Minister must commit to conducting a review into the constitution of the United Kingdom following the repatriation of powers from the European Union.”

This new clause would require the Prime Minister to commit to conducting a review into the constitution of the United Kingdom when leaving the European Union, before exercising the power under section 1.

New clause 168—*National Convention*—

“(1) Before exercising the power under section 1, the Prime Minister must undertake to establish a National Convention on Exiting the European Union.

(2) The National Convention shall advise Her Majesty’s Government on its priorities during negotiations with the EU on the terms of the UK’s withdrawal from the EU.

(3) Ministers of the Crown must take into account the views of the National Convention before signing any agreements with the European Commission on the terms of the UK’s withdrawal from the EU.

(4) Membership of the National Convention shall be determined by the Secretary of State and shall include—

(a) elected mayors,

(b) elected representatives of local government,

(c) representatives of universities and higher education,

(d) representatives of universities and higher education,

(e) representatives of business organisations,

(f) members of the Scottish Parliament,

(g) members of the National Assembly of Wales,

(h) members of the Northern Ireland Assembly,

(i) members of the European Parliament,

(j) other representatives considered by the Secretary of State to represent expertise and experience of British civil society.

(5) The National Convention must convene before—

(a) 12 months have elapsed after this Act has received Royal Assent, or

(b) the day on which Her Majesty’s Government declares that agreement has been reached on the terms of the UK’s withdrawal from the EU, whichever is the sooner.

(6) The National Convention shall meet in public.

(7) The National Convention must, following its convening, lay a report before Parliament before—

(a) 15 months have elapsed after this Act receives Royal Assent, or

- (b) the day on which Her Majesty's Government declares that agreement has been reached on the terms of the UK's withdrawal from the EU, whichever is the sooner."

This new clause would require the Government to establish a National Convention of representatives across of levels of Government, regions and sectors, to meet and produce a report recommending negotiating priorities, to better reflect the needs of the regions of the UK.

New clause 145—Differentiated Agreement for Scotland—

"The Prime Minister may not exercise the power under section 1 until a Minister of the Crown has confirmed that the United Kingdom will seek a differentiated agreement for Scotland to remain in the European Economic Area."

New clause 150—Priority in negotiations: Northern Ireland—

"It must be a priority in negotiations for the United Kingdom's withdrawal from the EU for the Prime Minister to seek terms that would not give rise to any external impediment to the people of the island of Ireland exercising their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, to then be treated as a member State of the European Union, if that is their wish, subject to the agreement and consent of a majority of the people of Northern Ireland."

This new clause seeks to preserve the key constitutional precept of the Belfast Agreement, in respect of the principle of consent, applying to future EU membership of a united Ireland agreed by a referendum under the Belfast Agreement and the Northern Ireland Act 1998.

Amendment 88, in clause 1, page 1, line 3, at end insert

“, provided the consent of the Northern Ireland Assembly is obtained prior to such notification regarding alterations to the legislative competence of that Assembly and the executive competence of the Northern Ireland Executive Committee, consistent with constitutional convention.”

This amendment would ensure that the consent of the Northern Ireland Assembly to changes in the powers of the Assembly and powers of the Northern Ireland Executive would be obtained prior to triggering Article 50, consistent with constitutional convention.

Amendment 91, page 1, line 3, at end insert “following consultation with—

- (a) the First Minister of Scotland,
- (b) the First Minister of Wales,
- (c) the First Minister of Northern Ireland and the Deputy First Minister of Northern Ireland,
- (d) the Chair of the English Local Government Association the Mayor of London.”

Amendment 46, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) unless the Scottish Parliament, Northern Ireland Assembly and National Assembly for Wales agree motions to consent to the notification.”

Amendment 55, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) until the Northern Ireland Executive has been formed following elections in Northern Ireland on 2 March 2017.”

Amendment 60, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) until the British-Irish Council has met to discuss the immediate effect of the United Kingdom's withdrawal from the EU on the United Kingdom's land border with Ireland.”

Amendment 63, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) until she has addressed the Scottish Parliament, Northern Ireland Assembly and National Assembly of Wales on the process of the United Kingdom's withdrawal from the EU.”

Amendment 90, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) until she has confirmed that Her Majesty's Government will publish a report into the powers repatriated from the EU to the United Kingdom and which do not fall within the Reservations listed in Schedule 7A of the Government of Wales Act 2006, outlining their impact on the competencies of the National Assembly for Wales.”

This amendment would require the UK Government to publish a report into the repatriated EU powers which fall under the competencies of the National Assembly for Wales before notifying under subsection (1).

Amendment 92, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) until she has laid before both Houses of Parliament an assessment of the powers expected to be repatriated from the EU to the United Kingdom which are within the competencies of Northern Ireland Ministers and the Northern Ireland Assembly under the Northern Ireland Act 1998.”

Amendment 18, page 1, line 5, at end insert—

“(3) Before exercising the power under section 1, the Prime Minister must publish and lay before the House a report setting out how the devolved nations of the United Kingdom will be consulted with, and involved, in the negotiations in accordance with Article 50(2) of the Treaty on the European Union.”

Amendment 86, page 1, line 5, at end insert

“with the exception of the Northern Ireland Act 1998 and section 2 of the Ireland Act 1949, and subject to—

- (a) the United Kingdom's obligations under the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland of 10 April 1998, and
- (b) preserving acquired rights in Northern Ireland under European Union law.”

This amendment requires the power to notify withdrawal to be exercised with regard to the constitutional, institutional and rights provisions of the Belfast Agreement.

New clause 109—Provisions of the Good Friday Agreement—

“Before exercising the power under section 1, the Prime Minister shall commit to maintaining the provisions of the Good Friday Agreement and subsequent Agreements agreed between the United Kingdom and Ireland since 1998, including—

- (a) the free movement of people, goods and services on the island of Ireland;
- (b) citizenship rights;
- (c) the preservation of institutions set up relating to strands 2 and 3 of the Good Friday Agreement;
- (d) human rights and equality;
- (e) the principle of consent; and
- (f) the status of the Irish language.”

Jenny Chapman: New clause 4, tabled in my name and those of my hon. Friends, requires the Government to consult and take into account the views of a Joint Ministerial Committee at intervals of no less than two months and before signing any agreements with the European Union. The Labour party is trying to be reasonable in this new clause. We do not want to block Brexit, but to make sure that the Government do Brexit well. The new clause is very simple and, I think, very sensible.

Scotland, Northern Ireland and Wales must be included and taken into account throughout the process by which the UK Government negotiate our terms of withdrawal from the European Union and, equally importantly, the framework for our future relationship with the EU.

[Jenny Chapman]

New clause 4 would place the Joint Ministerial Committee on a statutory footing. The Committee would include the Prime Minister, Ministers of the Crown, the First Minister of Scotland and an additional representative, the First Minister of Wales and an additional representative, the First Minister of Northern Ireland and their Deputy, and a further representative of Northern Ireland.

The Labour Party is committed to enabling the devolved Administrations to have their voices heard in this debate. Amendment 91, tabled by my hon. Friend the Member for Nottingham East (Chris Leslie), proposes that, in addition, the London Mayor should be consulted—and Labour would, of course, support this position.

Alan Brown: The hon. Lady talked about voices being heard. Her party's position on Second Reading was to vote for article 50 so that Labour could come forward with amendments. Those amendments in the last round have just been defeated. If all the amendments are defeated, will Labour stick to the line of walking through the Lobby with the Tories on Third Reading?

Jenny Chapman: I have to say that the hon. Gentleman is incredibly defeatist. We intend to win with our amendments; we are not here to anticipate defeat. We have very sensible and very reasonable requests to put to the Government, and we expect them to accept our amendments.

In the Miller case, the Supreme Court decided unanimously that the devolved legislatures did not have a legal power to block the Government from triggering article 50, but that does not mean that devolved legislatures can be ignored. A veto does not exist, but it is only right for the Scottish Parliament and the Assemblies in Northern Ireland and Wales to be respected, and for the different desires, concerns, aspirations and needs of the devolved Administrations to be taken fully into account.

Ian Paisley: As the hon. Lady will know, the White Paper mentions the Northern Ireland First Minister and Deputy First Minister, and clearly states that they will be given the right to be consulted. Why does that need to be included in legislation?

Jenny Chapman: I had anticipated that intervention from the hon. Gentleman, consistent as he is in raising such points. If he will forgive me, I shall deal with it later in my speech.

Sir Oliver Letwin: If the Government wish to proceed with article 50, and if SNP Members do not wish to proceed with it and that is the position of the Scottish Government, how are the United Kingdom Government meant to take this into account? What happens if someone takes into account the opposing view?

Jenny Chapman: I agree that it is difficult. [Laughter.] I do not think it is funny, but it is difficult. Our amendment does not require consensus, and if the right hon. Gentleman reads it closely, he will see that it has been very carefully worded. The fact that consensus is not easy does not mean that we should not at least try.

Chris Bryant: Is there not a bigger issue here? Many of the areas that have heretofore been the responsibility of the European Union are entirely devolved within

the United Kingdom—for instance, agriculture and environmental protection. There is no way in which the Government will be able to proceed effectively with a deal on behalf of the United Kingdom unless they have managed to take the devolved Assemblies and Parliaments with them.

Jenny Chapman: Of course that is true. That is the spirit in which we tabled the new clause, and we hope it is the spirit in which the Government will consent to accept it.

Several hon. Members *rose*—

Jenny Chapman: I have given way a few times already. I shall make a bit of progress, and then I will be happy to give way again.

It is true that, as the right hon. Member for West Dorset (Sir Oliver Letwin) pointed out, consensus may not be possible, but it is deeply desirable, and probably in the national interest. Although competing priorities may ultimately prevent it from being achieved, we really ought to try.

Charlie Elphicke (Dover) (Con): Will the hon. Lady give way?

Jenny Chapman: Oh, go on then.

Charlie Elphicke: Is it not the truth that the hon. Lady knows, we know and the whole House knows that the Scottish National party has no interest in reaching consensus on this point, and no desire to do so? She knew that before she put her name to the new clause. Conservative Members will be saying, “Surely this is just a wrecking new clause.”

Jenny Chapman: The hon. Gentleman needs to read the new clause a bit more carefully. It is clearly not a wrecking new clause. Nothing that it desires cannot be achieved. The fact that consensus may not be possible—although we have not even tried—does not mean that the interests of the people of Scotland ought to be ignored.

Several hon. Members *rose*—

Jenny Chapman: I am spoilt for choice, but I will give way to my hon. Friend the Member for Cardiff South and Penarth (Stephen Doughty).

Stephen Doughty: My hon. Friend is making a very strong speech. I support the desire of Labour Front Benchers to put these matters on a statutory footing, but does she agree that, particularly when Governments have come forward with a clear plan—as the First Minister of Wales has—and there are serious questions for the UK Government, the UK Government must come forward with some answers to enable a negotiation to proceed?

Jenny Chapman: My hon. Friend is right. I am in danger of reading out my speech before I reach the part in question, but I can say that Wales has succeeded in reaching something close to a cross-party consensus.

Several hon. Members *rose*—

Alex Salmond: Will the hon. Lady give way? I want to be helpful.

Jenny Chapman: I want to say more about the issue of Wales. The Government owe it to the people of Wales, Scotland—[HON. MEMBERS: “Alex is being helpful.”] Alex is being helpful, I am told. I will give way to him.

Alex Salmond: I know that the hon. Lady, unlike Conservative Members, will have read the paper that the Scottish Government released before Christmas—the hon. and learned Member for Holborn and St Pancras (Keir Starmer) is nodding—but does she not remember that on 15 July last year, the Prime Minister said that she would not invoke article 50 until there was an agreed UK position backed by the devolved Administrations? Are Conservative Members saying that the Prime Minister was being anything less than truthful?

9.15 pm

Jenny Chapman: That intervention would probably be better aimed at the Government Front Bench.

The Government owe it to the people of Wales, Scotland and Northern Ireland to be as accommodating as possible. For example, the financial support for deprived areas that has benefited communities for decades is now in question. Whether or not the Government deal with this issue as part of the passage of this Bill, they need to know that the Labour party will fight hard for the grants to such areas to be secured into the future.

Several hon. Members *rose*—

Jenny Chapman: I have given way quite a lot and would like to make a little more progress. Many Members will want to contribute to the debate.

New clauses 23 and 24, in the name of my hon. Friend the Member for Edinburgh South (Ian Murray), which would receive Labour Front-Bench support should he be able to test the will of the House on the matter, strengthen further the role of the Scottish Government in making them a statutory consultee and require the Joint Ministerial Committee to report on negotiations. These are reasonable demands that the Government ought to seek to meet, and the same status should of course be offered to the devolved Administrations in Wales and Northern Ireland.

It is fair to say that the White Paper lacks substance or detail. That is particularly true on Northern Ireland. The land border, changes to competences and, perhaps most significant of all, the importance of ensuring continued adherence to agreements made as part of the Good Friday agreement and subsequent agreements must be maintained by the Government.

New clause 109, in the name of my hon. Friend the Member for St Helens North (Conor McGinn), states that the Prime Minister must recommit to the Good Friday agreement. I can see no reason why the Government should not wish to do so, and hope that the Minister will indicate whether or not he intends to agree to my hon. Friends’ amendments when he responds this evening.

Sammy Wilson: The hon. Lady mentions the Good Friday agreement and the commitments in it, but as it was between the parties in Northern Ireland, the Government at Westminster and the Government in the Irish Republic, how do our discussions about Brexit have any impact on the Good Friday agreement?

Jenny Chapman: What we are asking for, and what new clause 109 asks for, is certainty. I do not think that that is too much to ask.

These amendments do not seek to obstruct the passage of this Bill—not in the least. They are born of a view that Brexit will be better for all the people of Britain if all communities up and down the country are properly involved. The Government should not hide away from this scrutiny; they ought to welcome it. Labour is not arguing for a veto; we are arguing for inclusion. Scotland, Northern Ireland and Wales are not just another stakeholder group to be consulted. The four Governments, although they are not for this purpose equals, must work together.

Mr Vara: The hon. Lady speaks of veto. She will be aware—she mentioned this earlier in her speech—that the Supreme Court was unanimous on the role of the devolved Assemblies and that the decision should be taken by this place. We all agree on consultation, but she cannot possibly be speaking of veto, because if she does so, she is challenging the decision of the Supreme Court.

Jenny Chapman: I am not going to take it personally that the hon. Gentleman was not listening carefully to the beginning of my speech, but if he looks at the record he will find that his worries are unfounded. He also might like to read the amendment that we have tabled and find that he has nothing at all to worry about.

Stephen Pound (Ealing North) (Lab): I understand the gentleness with which my hon. Friend is responding to the various interventions, but may I quietly, politely and in a modest sort of way remind her that if we read the Good Friday agreement in as much detail as many of us in the House have done, we can see that the EU is mentioned throughout, in line after line and paragraph after paragraph? The role of the EU in the peace process was crucial and must continue to be so.

Jenny Chapman: I thank my hon. Friend for that intervention.

Sir Hugo Swire: Will the hon. Lady give way?

Jenny Chapman: I will give way, but only because I cannot find my place in my speech. This is the last intervention I will take.

Sir Hugo Swire: I am delighted to be able to afford the hon. Lady time to find her place. Should she not think about disaggregating the Administrations of Scotland, Wales and Northern Ireland in these discussions, because they are all different, particularly Scotland? Perhaps it is time, if we are genuinely to trust the Scottish National party Government in Edinburgh, for them to revisit their claim during the Brexit campaign that Scotland could somehow remain part of the EU outside the United Kingdom or have fast-track access to EU membership. That was one of the most shameful myths peddled by any party in the House.

Jenny Chapman: I am afraid that the right hon. Gentleman is going to have to put his misgivings about the Scottish National party to one side and focus on the people of Scotland, because it is their voices that we

[Jenny Chapman]

must ensure are heard in all this. This is going to require genuine commitment and goodwill. I can see that the right hon. Gentleman is going to find that difficult. I only hope that the Minister does not find it quite so difficult. I am sure that he already appreciates where the First Ministers will be coming from, but he needs to commit, through these new clauses and perhaps by bringing forth his own amendments as the Bill progresses, to embedding the role of the devolved Assemblies within the process. This has already been proved by the First Minister of Wales and the leader of the Welsh nationalists, who, writing together, said:

“The challenge we all face now is ensuring that as we prepare to leave the EU we secure the best possible deal for Wales. Together, we intend to rise to that challenge.”

If they can put party political differences aside and work together for the benefit of Wales, surely the Government can step up to the same challenge by accepting these new clauses and amendments. That is the right way to strengthen, and not weaken, our Union, as the Prime Minister herself says she wishes to do.

Mr Harper: I am grateful to you for calling me to speak, Ms Engel. I can see that Members are looking forward to this. There are a number of new clauses and amendments in this group, and Members will be pleased to know that I do not plan on speaking to all of them. I shall group them in a way that I think is sensible. There are some that are unnecessary, some that arguably do very little but run a risk of doing harm, and some that are outright vetoes on the process, which is completely unacceptable. There is one about a national convention, about which I will speak briefly, and a couple of very important ones about Northern Ireland, which I would also like to speak to.

Starting with new clause 4, to which the hon. Member for Darlington (Jenny Chapman) has just spoken, I think my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) put his finger on it when he asked her about consensus. I think we need to explore this point further. The new clause proposes that “the Secretary of State must seek to reach a consensus”.

My right hon. Friend pointed out that it was unlikely that any such consensus would be reached because the Scottish nationalists fundamentally disagree with our leaving the European Union. Not only that, but unlike the other First Ministers, they also do not wish to see a continuation of the United Kingdom—[*Interruption.*] They have just confirmed that verbally in the Chamber. So it seems unlikely that consensus would be reached. The problem with putting this new clause in statute is that it would then become justiciable, as my right hon. Friend said earlier. A court could then be asked to adjudicate on whether the Secretary of State had tried hard enough to reach consensus. Even if the court then ruled that everything was fine, this would still be just a way of delaying the process.

Sir Oliver Letwin: Did my right hon. Friend also notice that the Opposition spokesman referred to “embedding” the Scottish Government in the proposals? Does he agree that, roughly speaking, that is like Wellington being asked to embed Napoleon in his strategy for the Napoleonic wars?

Mr Harper: My right hon. Friend has a much greater command of history than I do, but even with my limited reading I think he is probably about right.

My right hon. Friend the Member for East Devon (Sir Hugo Swire) asked the hon. Member for Darlington to distinguish between the First Ministers of the different devolved nations, and I think the distinction is that the First Ministers of Northern Ireland and of Wales wish to see the continuation of the United Kingdom, but the First Minister of Scotland does not. That is material to the sensibleness of proceeding with new clause 4.

Sir Hugo Swire: I am grateful to my right hon. Friend for praying me in aid; he is absolutely right. My real point is that neither the First Minister of Northern Ireland nor the First Minister of Wales sought to mislead their own communities by suggesting that they can join the EU outside the UK, which is what the SNP suggested throughout the campaign.

Mr Harper: My right hon. Friend makes that point—[*Interruption.*]

Stewart Malcolm McDonald (Glasgow South) (SNP): On a point of order, Ms Engel. Was what the right hon. Member for East Devon (Sir Hugo Swire) just said in order? He accused the First Minister of Scotland of misleading the country by stating something that Members of this House in the Scottish National party have also said, so is he by extension accusing me and my hon. Friends of misleading the Chamber?

The Second Deputy Chairman of Ways and Means (Natascha Engel): It was not unparliamentary as the First Minister of Scotland is not a Member of this House.

Mr Harper: I am conscious that I have taken interventions from the Government Benches but not from the Opposition Benches. I give way to the right hon. Member for Delyn (Mr Hanson).

Mr David Hanson (Delyn) (Lab): May I provide an example? Policing in Scotland is devolved to the Scottish Parliament, and policing in Northern Ireland is devolved to the Northern Ireland Assembly. The consensus may be that the Government want to withdraw from the European Union and therefore from agencies such as Eurojust and Europol, but there might need to be a view on such issues so that a consensus can be reached to enable Scotland and Northern Ireland, which have devolved issues, to maintain policing at a local level with Ireland and other parts of the European Union.

Mr Harper: I have no issue with the Government seeking to reach a consensus. There are two issues. One, as I think the hon. Member for Darlington accepted, is that reaching a consensus is likely to be difficult, but we should try. I have no problem with Ministers trying to seek a consensus, but the danger of putting that in legislation is that we then hand over to a court the adjudication of whether Ministers have sought that consensus or whether they have tried hard enough. Even if the court ends up reaching what I would consider the right conclusion of not interfering in the process, it seems an obvious route for delay. The Prime Minister has made it clear that she will seek to take into account the views of the devolved Administrations, but I would not want that to be put into the legislation.

Ian Murray: While the right hon. Gentleman is talking about distinctions, I want to make another distinction as a reminder to him and the House: the Scottish National party is not the entirety of Scotland—[*Interruption.*] It might like to think it is, which is evident from the reaction from the SNP Members just now. New clause 4 is carefully worded and states that the Government should seek a consensus for building the negotiation with the European Union. That is about letting the Scottish people into the process, not the Scottish National party, and the right hon. Gentleman should distinguish between the two.

Mr Harper: While the Scottish nationalists are currently in government in Scotland, I completely agree that they are not the same as the Scottish people. On the new clause, the representatives on the Joint Ministerial Committee are the First Minister of Scotland and a further representative not of the Scottish people but of the Scottish Government, so there will be two members of the Scottish nationalists whose expressed purpose, as confirmed here today, is to destroy the United Kingdom.

9.30 pm

Dr Alasdair McDonnell (Belfast South) (SDLP): Does the right hon. Gentleman not understand how serious this issue is? Does he not understand that he will not have a UK if he keeps going on with arrogance, with intolerance and with insensitivity? We spent 30 years getting a peace process together. We do not want to see any more dead bodies. Quite simply, what is going on here, with the intolerance that some Members are showing, is scaring me. I am asking myself why I am in this place at all.

Mr Harper: I have not been intolerant to anyone. I have taken interventions from both sides of the House, and I said in my opening remarks that I will address new clauses 109 and 150, which specifically refer to Northern Ireland. I simply have not yet had a chance to get to them. I am a great supporter of the Union of the United Kingdom and, when I was Immigration Minister, I worked very closely with the Government of the Republic of Ireland to facilitate the common travel area and the close working together of the peoples of the United Kingdom and the Republic of Ireland. I agree with the hon. Gentleman on that, and I wish to proceed on that basis.

Several hon. Members *rose*—

Mr Harper: Let me make some progress, because otherwise other Members will not have the opportunity to speak. I am pleased that the hon. Member for Edinburgh South (Ian Murray) was able to intervene on me. He is the lead name on new clause 23, on which I have a question. Subsection (2)(c) refers to “the legal status of EU nationals resident in Scotland”.

It then refers to “Scottish nationals”. I do not quite understand what they are. I understand what UK nationals are, but I was not aware that there is a separate class of nationals of Scotland. Does he wish to explain to the Committee what they are? If for no other reason, not knowing what they are is reason enough to vote against the new clause.

Ian Murray: It is people who were normally resident in Scotland before they moved abroad. It is quite simple.

Mr Harper: “Scottish nationals” implies that they are somehow tied to Scotland other than by residence. If someone is English but happens to live in Scotland for five minutes, does that mean they are a Scottish national?

Ian Murray: No.

Mr Harper: But the hon. Gentleman just said that his definition of a Scottish national is someone who resided in Scotland before moving overseas. It seems to me that someone does not need to have any connection with Scotland bar the fact that they lived there for five minutes. This seems a very poorly worded new clause that is not worthy of support.

Ian Murray *rose*—

Mr Harper: I will give way to the hon. Gentleman one more time.

Ian Murray: I say gently to the right hon. Gentleman that his Government’s pushing through the programme motion means that we cannot have a full debate on these issues. Whether it is a beautifully worded clause or a badly worded clause, EU nationals should be given the right to stay by this Government today, and we should be fighting to make sure that UK nationals living in the EU have their rights, too. The Government could do that now and, if they did, we would not need to press these new clauses.

Mr Harper: I will not address that issue now, as we debated it at length with the previous group of amendments. A number of colleagues spoke, so it has had sufficient debate.

The next grouping contains a number of new clauses proposing various mechanisms for giving different parts of the United Kingdom a veto on the entire process and, for that reason, I do not think they should be accepted. New clause 26, tabled by the Scottish nationalists, would effectively give the Joint Ministerial Committee a veto on the process. That means a single member of the Joint Ministerial Committee could veto the entire process, which would not be welcome.

Ian Blackford: Does the right hon. Gentleman not understand that, in presenting this proposal to the UK Government, the Scottish Government are very much seeking that consensus and compromise. We understand that the people of England have voted to leave the EU, and we do not seek to frustrate that, but what we ask is that this Parliament also recognises that not just the SNP but the Scottish Parliament has empowered the Government to act in our interests to make sure that we remain within the single market. That respect has to work two ways, and it is about the UK Government working with us. If they do not do that, we know what the answer is. Quite frankly, we should not be in this place.

Mr Harper: I hope the hon. Gentleman will forgive me—I am sure my colleagues on the Government Benches will find this slightly repetitive—but he said that the people of England voted and I must point out that that is not the case. There was a United Kingdom referendum, one of two referendums over the past few years, both of whose outcomes I respect. There was a vote by the people of Scotland to remain in the United Kingdom,

[Mr Harper]

so it therefore follows that the referendum on the United Kingdom's membership of the EU was a UK decision. It was a single vote and the UK decided to leave the EU. Scotland did not have a separate decision; it was a UK decision. I respect both referendums and I am going to proceed on that basis.

Joanna Cherry: Perhaps I can help the right hon. Gentleman to understand where Scottish National party Members are coming from. During the Scottish independence referendum, the leader of the Conservative and Unionist party, Ruth Davidson, told Scottish voters that the way to guarantee their EU citizenship was to vote to remain part of the UK. He enjoyed a cosy little exchange a moment ago about the First Minister allegedly misleading people, but it is clear that the leader of his party in Scotland misled voters during the independence referendum. Would he now like to take the opportunity to apologise for that misleading statement?

Mr Harper: I would not. The leader of the Conservatives in Scotland—I am pleased to say that she is the Leader of the Opposition in the Scottish Parliament and the latest opinion polls are showing Conservative support rising and Labour support falling—campaigns strongly both for the maintenance of the UK and for the UK to remain in the EU. I was disappointed by the latter result, as was she, but I do not think she misled anybody and therefore I do not feel the need to apologise.

Joanna Cherry *rose*—

Mr Harper: I have taken the hon. and learned Lady's intervention and I will now make some progress.

Michael Gove (Surrey Heath) (Con): Will my right hon. Friend give way?

Mr Harper: Of course.

Michael Gove: My right hon. Friend might not have had the chance to follow the Scottish independence referendum as closely as some of us. During that referendum the current SNP First Minister said that if the UK remained, the NHS in Scotland would be privatised. So if anyone should apologise for misleading the public, Nicola Sturgeon should.

Mr Harper: As ever, my right hon. Friend hits the nail on the head.

Let me move relatively briefly through the other provisions. New clauses 139 and 140 would both, in effect, give a veto to different parts of the UK, and therefore are unacceptable.

Ian Paisley: When the right hon. Gentleman turns to the issues affecting Northern Ireland, will he take the opportunity to address the spurious point raised by the hon. Member for Ealing North (Stephen Pound), who said that the Belfast agreement is peppered with references to the European Union? There is one such reference on page 16, and there are three references on page 7 to the European convention on human rights, which is nothing to do with the EU. Indeed, the references to the EU

refer specifically to the mutual interdependence of the North South Ministerial Council and the Assembly. The hon. Gentleman is wrong to get into a lather over that matter.

Mr Harper: I am grateful to the hon. Gentleman for elucidating that for the House. Indeed, I detected from the expression on the face of the shadow Minister, the hon. Member for Darlington, that she had not found that intervention from the hon. Member for Ealing North (Stephen Pound) entirely helpful. Perhaps she shares the view of the hon. Member for North Antrim (Ian Paisley).

Finally, new clauses 160 and 161, tabled by the Welsh nationalists, talk about “future trade deals” and would also give a veto to the devolved Assemblies in the UK. On that basis, the Committee should not support them.

New clause 168 proposes a “National Convention”. As someone who has been involved in constitutional matters for some time, I could not help but smile at that, because when I was taking a number of constitutional items through the House, national conventions, conventional committees or some other variant were usually a way of delaying matters by involving a whole load of people in things. These were usually people who are already well involved in all those things, as most members of such conventions appear to be elected Members of some body or other. Those conventions seem an extraordinary excuse to make no progress whatever.

Seema Malhotra *rose*—

Mr Harper: As the hon. Lady tabled the new clause, I will of course give way to her.

Seema Malhotra: I thank the right hon. Gentleman for giving way. I look forward to discussing this matter further in my remarks later, but perhaps I could raise a point with him. I am sure he will appreciate, as I do, the paucity of quality debate about the referendum, which remains an issue. We need to engage people in the discussion over the next two years. We should not reach the end of the negotiation period with people saying they are as ill-informed at the end as they were at the start.

Mr Harper: That is a helpful intervention, because the hon. Lady has tempted me to say a little more about her new clause, which I had not planned to do. I have looked at the membership of the national convention specified in the new clause, and it does not seem to involve any members of the public at all. It is all people who were very well represented in the referendum campaign: elected mayors; elected representatives of local government; people from universities and higher education; representatives of trade unions and trade bodies; representatives of business organisations; and Members of the Scottish Parliament—

Sir Desmond Swayne (New Forest West) (Con): Not them!

Mr Harper: Yes, them, along with Members of the National Assembly of Wales and of the Northern Ireland Assembly; plus Members of the European Parliament. Finally, it gets to “other representatives”, but not just

any representatives of civil society—only those determined by the Secretary of State. Interestingly, the hon. Lady wants to give Ministers the job of deciding who should represent civil society, which seems remarkably generous of her, although rather self-defeating.

Seema Malhotra: Perhaps the right hon. Gentleman will agree that it is vital to have the regions of England involved as much as the nations of Scotland, Wales and Northern Ireland, in the national debate. I am sure that, on reflection, he will realise that there is great value in the idea of a greater national conversation in which elected representatives would be able to engage with their communities and represent their views.

Mr Harper: To be honest, I thought there was quite a lot of national conversation last year. When I talked to my constituents, it seemed to me that by the end of that national conversation, they really did want to make a decision and move on. The most important thing that they want us to do is give notice under article 50 and start the negotiating process. The most common refrain I hear is from people who, because we had a referendum last year, wonder why we have not already left.

James Cleverly: My right hon. Friend just ran through that list; does he agree that the people who were told that the referendum was an opportunity for them to express their opinion would find it perplexing, disturbing and not a little bit frustrating that new clause 168 would take that voice away from them and hand it back to people who are already very vocal?

Mr Harper: My hon. Friend put that well. The new clause would not involve members of the public at all; it would involve people who are well involved in the debate already.

Seema Malhotra: Will the right hon. Gentleman give way?

Mr Harper: No, I shall not give way to the hon. Lady again. I gave way to her twice, and we can look forward to her remarks—

Mr Sheerman: On a point of order, Ms Engel. The right hon. Member for Forest of Dean (Mr Harper) has been speaking for 22 minutes. Charming as he is, it seems that he has been filibustering the House, as he did in the previous debate, to prevent honest debate and opinion from being expressed this evening. What is going on?

The Second Deputy Chairman of Ways and Means (Natascha Engel): As the hon. Gentleman is aware, there are no time limits at this stage of a Bill. There is a limited amount of time available, as the right hon. Member for Forest of Dean (Mr Harper) knows. He has spoken at great length and he spoke at great length on the previous group. I have been listening very carefully and he has remained in order and spoken to the amendments and new clauses. There is nothing out of order in what he has said, but perhaps the right hon. Gentleman will be aware of the mood of the Committee.

Mr Harper: I have taken interventions from colleagues on both sides of the Chamber, just as I did in the previous group, but I will take your admonition, Ms Engel, and not take so many interventions from now on.

I set out the points that I wished to cover at the beginning of my remarks. Colleagues who have been following carefully will know that I have only one point left, and I will cover it, because it is on the very important matter of Northern Ireland. Colleagues will be pleased to know that that is the last point I will make.

Two new clauses have been put forward on Northern Ireland. New clause 150 is about priority in negotiations, and it would ensure that people in Northern Ireland would have no external impediment to exercising their right of self-determination. Although it talks about bringing about a united Ireland, with which I do not agree, nothing in the process of exiting the European Union would have any impact on that. The legislation that governs the mechanisms available to my right hon. Friend the Secretary of State to do with border polls and so forth have nothing whatever to do with this process, so there is no need to accept this new clause.

9.45 pm

Mark Durkan (Foyle) (SDLP): I thank the right hon. Gentleman for giving way. He will recall that, even in his own remarks, he talked about the questions that were raised in the context of the Scottish referendum. I am talking about whether or not an independent Scotland would have easy or ready access to the EU or whether it would have to negotiate, brand new, under article 49. If Northern Ireland were taken out of the EU as part of the UK, no article in the Lisbon treaty allows for part of a former member state entering the EU. Anybody could raise a question mark over whether or not a referendum in that context would admit Northern Ireland into the EU as part of a united Ireland. The question mark could be raised because the German precedent might not apply. The Taoiseach addressed that point last summer, and the British Government need to take it on board.

Mr Harper: The hon. Gentleman may be guilty of jumping quite a lot of steps in advance. There is no evidence that the people of Northern Ireland have any intention, at any time in the foreseeable future, of joining the Republic of Ireland. I think that this is a case of inventing theoretical problems to get in the way of what is a perfectly sensible process.

Mark Durkan *rose*—

Mr Harper: I will take one more intervention from the hon. Gentleman and then I will make some progress.

Mark Durkan: Does the right hon. Gentleman not recognise that the key wording in new clause 150 comes from the Good Friday agreement itself? The paragraph appears in the agreement not just once, but twice. It is in the constitutional issue section of the agreement and it is in the agreement between the British and Irish Governments. If it was good enough and important enough to be in the Good Friday agreement and to be endorsed by a referendum of the Irish people in the north and the south, why should it not be respected now when we are being asked to reflect on how English people voted in a referendum?

Mr Harper: Again, I come back to what the hon. Gentleman just said about how the English people voted. If he looks at the separate parts of the United Kingdom, he will see that both England and Wales voted to leave the European Union. As I said earlier, this was a UK decision. The fact that different parts of the United Kingdom may have voted in different ways is not relevant. It was a United Kingdom decision, and the United Kingdom voted to leave.

Several hon. Members *rose*—

Mr Harper: I have one more new clause to talk to and then I will sit down.

New clause 109 talks about the provisions of the Good Friday agreement, and other agreements agreed between the UK and Ireland. It lists a whole load of issues. It seems to me that the free movement of people, goods and services and so forth on the island of Ireland and citizenship rights are not guaranteed by membership of the EU. In previous legislation, such as the Ireland Act 1949, it is clear that citizens of the Republic of Ireland and citizens of the United Kingdom have reciprocal—the word “reciprocal” is important—arrangements to live in each other’s countries and to vote in each other’s countries. Irish nationals in Britain can vote in our elections. If we were to go to live in the Irish Republic, we could vote in theirs. Those arrangements will be preserved when we leave the European Union. The new clause is unnecessary.

Joanna Cherry: I am very disappointed to hear that the right hon. Gentleman is coming to the end of his contribution, because, judging from the communications that I am receiving from constituents and voters in Scotland, every word he says is putting our vote through the roof and greatly increasing the cause of a second independence referendum. I urge him and those around him please to continue in the same vein, as it is doing us the world of good.

Mr Harper: Based on the Twitter trolling that I receive, I suspect that most people contacting the hon. and learned Lady would already have supported the nationalists in the first place. With the successful campaigning efforts of my friend, the leader of the Scottish Conservatives, it seems that those of a Unionist disposition in Scotland are very much moving to support the Conservative party in Scotland, which is why she is the Leader of the Opposition there.

The Second Deputy Chairman of Ways and Means (Natascha Engel): Order. We really must get back to the group of amendments.

Mr Harper: I have been tempted to speak for longer than I had intended.

I hope that, after running through the new clauses and amendments in this group, I have set out reasons why all of them should be opposed by those who wish to trigger article 50. If any of them are pressed to a Division, I hope the Committee rejects them.

Ms Tasmina Ahmed-Sheikh (Ochil and South Perthshire) (SNP): I will speak to the amendments tabled in my name and in the names of my hon. and right hon. Friends.

I take the House back to the morning of 24 June when the then Prime Minister, the then Chancellor and the current Foreign Secretary were missing in inaction, and the First Minister of Scotland took to the steps of Bute House to address the people of Scotland. Let us be clear: we absolutely respect how the people of England and Wales voted in the EU referendum. In turn, we ask that the way in which the people of Scotland and Northern Ireland voted to be equally respected.

Forty-eight hours after assuming office, the Prime Minister travelled to Scotland to meet the First Minister. Ahead of her visit, the Prime Minister directly addressed the people of Scotland, stating that

“the government I lead will always be on your side. Every decision we take, every policy we take forward, we will stand up for you and your family—not the rich, the mighty or the powerful. That’s because I believe in a union, not just between the nations of the United Kingdom, but between all of our citizens.”

That is what she said then, but I turn the Committee’s attention to page 3 of what can only be described as an executive summary, as opposed to a White Paper, in which she refers to “one nation.” Hon. Members across this House would do well to understand that, as long as the Prime Minister and the Government continue to believe that this is one nation, they will make no progress whatever in their relationships with the rest of the United Kingdom. We are not one nation; we are a Union of nations. The Government need to remember that.

Alex Salmond: I am going to do something that I have never done before—quote an extract from *The Daily Telegraph*. It reported on 15 July last year:

“Theresa May has indicated that...she will not trigger the formal process for leaving the EU until there is an agreed ‘UK approach’ backed by Scotland.”

What does my hon. Friend think has happened to the Prime Minister’s commitment?

Ms Ahmed-Sheikh: Interestingly, if hon. Members turn to page 17 of the so-called White Paper, they will see a change of wording. We have moved from having a “UK approach” to “seeking” to agree a UK approach—another change in the Prime Minister’s position.

Neil Gray (Airdrie and Shotts) (SNP): On that basis, is my hon. Friend surprised that the UK Government now seem willing to seek separate deals not for Scotland or Northern Ireland, but for the car industry in Sunderland and for the City of London?

Ms Ahmed-Sheikh: I will come to that issue in a moment.

The Scottish National party’s compromise amendments propose a UK approach for all of “Team UK”, which is what the Prime Minister would like to think we are. I say the amendments are a compromise because that is exactly what they are. We fundamentally believe that the best future for Scotland and, indeed, the whole United Kingdom is to remain in the EU. But in the spirit of reaching a consensus—I object to Members who have suggested that we are not participating in the process—we have tabled 50 amendments, to which my colleagues and I will now speak. That is our involvement in the process. The First Minister of Scotland was clear that she was laying out a number of options. The ball is in the Prime Minister’s court.

Sir Hugo Swire: In retrospect, does the hon. Lady regret the SNP's peddling of the myth during the Brexit campaign that Scotland alone could somehow remain in the EU without any of the sanctions in the Lisbon treaty—joining the single currency of the euro and so on? Does she regret proposing that to the Scottish people as a fact, rather than as fiction, which is what it was?

Ms Ahmed-Sheikh: The only myths in the independence referendum in Scotland were those peddled by the right hon. Gentleman's friends in the Conservative party and those in the Labour party—that is where the myths came from. I am grateful to him for reminding the Committee, and indeed all those who are watching, that that is precisely the case.

The First Minister of Scotland has laid out a number of options, which are included in the paper my colleagues will refer to. However, I would remind hon. Members that, before the independence referendum, the Scottish Government produced a 670-page document called "Scotland's Future". We knew then, and we know now, that we can make a success of an independent Scotland. Hon. Members should compare and contrast that with page 65 of the so-called White Paper, where this Government are already talking about failure and

"passing legislation as necessary to mitigate the effects of failing to reach a deal."

That does not instil much confidence in anybody.

Specifically on the amendments and new clauses, new clause 26—the teamwork clause—would, if accepted, mean that article 50 was not triggered until the Team UK approach was agreed by each individual member of the team. Is that not what the Prime Minister said? On that basis, I hope we will have support on both sides of the Committee for the new clause.

Mr Rees-Mogg: Could the hon. Lady clarify whether new clause 26 would effectively give the First Minister of Scotland, if she refused to agree, a veto over the exercise of article 50?

Ms Ahmed-Sheikh: I am grateful to the hon. Gentleman, whose interventions are always astute. I refer him to the wording of the new clause, which refers specifically to "a UK wide approach to, and objectives for, the UK's negotiations". Those are the Prime Minister's words.

New clause 139 would require a substantive vote on this matter to be held in each of the devolved Parliaments prior to article 50 being invoked, further strengthening the democratic mandate for that action. New clause 144 sets out a mechanism to ensure that all devolved Administrations will have direct representation in negotiations on leaving the EU, enabling the negotiating team to have expert input from each constituent part of the UK. Given what we have seen so far, this Government are in need of some expert input. Following that, new clause 145 would set in legislation what we already understand to be possible and deliverable—the negotiation of a differentiated agreement for Scotland, so that it can retain its vital access to the single market by remaining part of the European economic area.

Amendment 46 further strengthens the role of the devolved Parliaments in this process, while amendment 55 would specifically ensure that the people of Northern

Ireland are represented in this process by the newly elected Northern Ireland Executive following the upcoming election. Amendment 60 would ensure formal cross-border discussion of the Government's proposal to maintain a frictionless land border with Ireland. Lastly, amendment 63 would give Scottish Parliament, Northern Ireland Assembly and Welsh Assembly Members the same opportunity to hear the Prime Minister address them on Brexit as she afforded members of the US Congress who attended the Republican party awayday in Philadelphia last month. That is only fair.

We know from last week's brief White Paper that the Government still believe there should be a special deal for Northern Ireland in our negotiations with the EU. A frictionless border between the UK and Ireland remains their priority. We also know that the UK car industry and the City of London, to which my hon. Friend the Member for Airdrie and Shotts (Neil Gray) alluded, have also been singled out for special attention in the negotiations. It is becoming clearer with each passing day that the Government will be willing to pay through the nose to secure a special arrangement where that is in their political or economic interests.

Patrick Grady (Glasgow North) (SNP): I hope my hon. Friend will press all these provisions to a vote, because everyone here loves trooping through the Lobby and exercising their parliamentary sovereignty. However, does she agree that a differentiated deal for Scotland, with Scotland retaining its access to the single market, would benefit the rest of the United Kingdom? The Government are very keen to retain a land border with the EU on the island of Ireland, so why would they not want a land border on the actual island of Great Britain so that England could trade over that border into the single market in Scotland?

10 pm

Ms Ahmed-Sheikh: As usual, my hon. Friend makes very salient comments, although I suspect they will fall on deaf ears, and we know what the result of that might well be.

The Scottish Government have been clear that they are willing to make fundamental compromises to ensure that we can agree a UK-wide approach. The Scottish Government's White Paper, "Scotland's Place in Europe", sets out a series of options that could be taken, if this House so wished, to protect the precious Union that Members talk about so often—to protect Scotland's political, social and economic interests in Europe while also remaining part of the United Kingdom. It is now time for this Whitehall Government to start to treat Scotland seriously and with respect. We know that such a differentiated deal is possible. Only yesterday, the Secretary of State for Scotland, who I am delighted to see in his place, said during a BBC interview—well, not much about anything in particular, but we did get this from it—that it is "not impossible" to have a differentiated deal for the constituent parts of the UK. The amendments tabled by the SNP set out a framework for us to work together in the interests of Scotland to deliver this.

We welcome the UK Government's White Paper, which acknowledges the role of the Joint Ministerial Committee and states that it is in place to

"Seek to agree a UK approach to, and objectives for... negotiations".

[Ms Ahmed-Sheikh]

I refer the hon. Member for North East Somerset (Mr Rees-Mogg), in relation to new clause 26, to those words of the Prime Minister. However, it simply was not acceptable for the Prime Minister to seem to dismiss the Scottish Government's plan out of hand in her speech at Lancaster House before the JMC had even met to discuss it. The SNP does not believe that "involving" the devolved Administrations ends with the JMC. We want to see real, tangible efforts to develop a proposal acceptable to all the UK, not a toothless talking shop. That is why we have tabled an amendment calling for the devolved Administrations to have direct representation in the negotiations as we come to an agreed UK-wide deal.

Tomorrow the Scottish Parliament will vote on the triggering of article 50. The Prime Minister should respect that outcome. We also believe that the Prime Minister—

Mr Vara: The hon. Lady talks about the Prime Minister respecting a decision. Will the hon. Lady respect the unanimous decision of the Supreme Court that the Prime Minister can decide, and that this is the place where we can decide, for the whole of the United Kingdom?

Ms Ahmed-Sheikh: The hon. Gentleman has already made that intervention and was given an answer. Is it his position that the Scotland Act 2016 has no meaning—no value? Is it his position that notwithstanding the terms of the Scotland Act he is going to ignore the wishes of the Scottish Parliament and the other devolved legislatures?

Mr Vara *rose*—

Ms Ahmed-Sheikh: No, the hon. Gentleman has had more than enough time.

Mr Vara *rose*—

Ms Ahmed-Sheikh: I am not taking any more interventions. I have answered the hon. Gentleman's question.

We also believe that the Prime Minister should not trigger article 50 before the Northern Irish Assembly election on 2 March has taken place, and that there must be a meeting of the British-Irish Council to discuss urgently the immediate effect of the UK's exit from the EU on the Irish border. That is because such a deal is not just possible but absolutely essential to Scotland, in a number of ways. It is essential for Scottish business. The British Chambers of Commerce's "International Trade Survey" is further evidence of the damaging impact that the threat of a Tory hard Brexit is already having on Scottish and UK businesses. [*Interruption.*] It is not rubbish, as the hon. Gentleman says, unless he wants to rubbish the results of that survey, and with it the British Chambers of Commerce. I suspect not, hence he is still in a sedentary position. Published today, it reveals that of the 1,500 businesses surveyed, nearly half, or 44%, said that the devaluation of sterling since the EU referendum was having a negative impact on domestic sales margins, while over two thirds, or 68%, expect the fall in the pound to increase their cost base in

the coming year, with more than half of companies—54%—expecting to have to increase the prices of their products as a result.

Such a deal is also essential for Scottish exports.

Mr Peter Bone (Wellingborough) (Con): The hon. Lady is making a very passionate speech, but clearly if the pound devalues, that is very good for exporters, including exporters in Scotland. There are two sides to that coin.

Ms Ahmed-Sheikh: I am grateful to the hon. Gentleman, as ever, for his recognition of a passionate speech, although I wish he would pay more attention to the words that I am using while I am delivering it. Is it the Tory Government's policy to continue with a devalued pound? Is that their vision for the economy of the United Kingdom? That is my answer to the hon. Gentleman's question.

Michael Gove: Will the hon. Lady give way?

Ms Ahmed-Sheikh: I am not going to give way just now, if the right hon. Gentleman does not mind.

In relation to Scottish exports, new figures published by the think-tank Centre for Cities last weekend show just how vital the EU single market is for Scotland's four largest cities. Exports to the EU from Aberdeen, Dundee, Edinburgh and Glasgow alone total nearly £7 billion. The report also stated that 61% of Aberdeen's exports go to the EU, which shows the importance of that export market to Scotland. It is also essential to maintain Scotland's skilled workforce.

Michael Gove: Will the hon. Lady give way?

Ms Ahmed-Sheikh: I am not going to give way just now; allow me a few minutes to make some progress.

This morning, Holyrood's cross-party Europe Committee published its latest report on Brexit, in which it recommended a bespoke Scottish immigration system—almost on cue; I believe, from memory, that that was something propagated by someone on the Government Benches during the campaign. We now know that those who campaigned to leave the EU, like those who campaigned against Scottish independence, were prepared to say anything to win the day and leave the rest of us to pick up the consequences. The findings of the report were based on extensive evidence heard by the Committee, which detailed the demographic crisis that Scotland would face without its EU citizens.

Ian Paisley: I have been listening very carefully to the points that the hon. Lady made with regard to Northern Ireland. If I heard her right, she indicated that until a new Northern Ireland Executive is established, the Government should not trigger article 50. Northern Ireland is at a difficult crossroads at the present time. If no Executive is ultimately established after 3 March, does she seriously believe that the whole United Kingdom should be held to ransom until that conundrum is resolved?

Ms Ahmed-Sheikh: I am grateful to the hon. Gentleman for making that point, which I understand. However, I would also ask: why is the whole United Kingdom

being held to ransom by the Prime Minister's selection of some random date, with no view to the consequences for the whole of the country? We are required to work to that date, but it came about on a whim.

A deal such as I have described is essential for the fishing industry. I mention the fishing industry because for too long it has been ignored by this Government, who have not stood up for it in Europe. The White Paper seems to confirm the worst fears of our fishermen, who now believe that without a specific Scottish deal, their interests will be negotiated away once again, as they have been before.

It is clear that a differentiated deal for the constituent parts of the UK is optimal, deliverable and essential to protecting our interests. Now is the time for the Prime Minister of the United Kingdom to keep her promises to Scotland—as she said, a “UK approach” for all of “Team UK”. Be under no illusions; my colleagues and I were elected by our constituents to stand up for Scotland, and that is exactly what we will do. One way or another, Scotland's interests will be protected.

The amendments and new clauses that we have tabled would strengthen the UK's future negotiating position with the EU and provide a framework to serve the best interests of its constituent parts. Our proposals crystallise in legislative specifics the grand platitudes that the Prime Minister and others have spouted about Scotland's place in the UK and our role in the process.

Michael Gove: The hon. Lady referred earlier to the impact of the pound being devalued. Could she tell us which currency an independent Scotland would have? Would it be the pound, the euro or some other currency of her invention, or of the invention of the right hon. Member for Gordon (Alex Salmond)? [*Interruption.*]

Ms Ahmed-Sheikh: As my colleagues are saying from a sedentary position, the right hon. Gentleman does not believe in expert opinion anyway. Perhaps he will agree—his mention of another independence referendum speaks to this fact—that the question that was posed to the people of Scotland in 2014 was about a United Kingdom different from the one that exists now. Of course, it is in the gift of the Government and Members from across the House to agree to our proposals. They offer a compromise position, if the right hon. Gentleman does not want another independence referendum. But if we do have one, the arguments will be put forward to the people of Scotland for them to make that decision. The proposals give the Government an opportunity to put their money where their mouth is when it comes to respecting Scotland and the devolution process.

Quite simply, the UK is either a country that respects all its constituent parts or it is not—the question is as simple as that—and this Government need to decide today one way or another. We are waiting for our answer and, indeed, we are ready to respond, but if the UK Government decide to turn their back on the Scottish Government and the Scottish Parliament, voters in Scotland will be left under no illusion about how this Government intend to deal with Scottish interests in future negotiations. If the Scottish people can no longer trust the UK Government to act in their interests, it will be for the people of Scotland to decide the best way to rectify this unsatisfactory situation of an increasingly disunited kingdom.

John Redwood: I support the remarks of my right hon. Friend the Member for Forest of Dean (Mr Harper). I thought he took the Committee patiently through a number of important amendments tabled by Opposition parties, and he explained why some of them are needless because the Government are perfectly well intentioned in relation to the other parts of the United Kingdom and wish to consult very widely, and how some of them would be positively damaging because they are designed as wrecking amendments to impede, delay or even prevent the implementation of the wishes of the people of the United Kingdom.

My disappointment about both the Labour and the Scottish National party amendments is that there is absolutely no mention of England in any of them. To have a happy Union—I am sure the Scottish nationalists can grasp this point—it is very important that the process and solution are fair to England as well as to Scotland. I of course understand why the Scottish nationalists, who want to break up the Union, would deliberately leave England out of their considerations of their model for consulting all parts of the United Kingdom. That is deliberate politics, as part of their cause to try to find another battering ram against the Union.

In the case of Labour, however, I find that extraordinarily insouciant and careless. The Labour party is now just an England and Wales party, with only one representative left in Scotland and none in Northern Ireland. Yet it seems to be ignoring the main source of its parliamentary power and authority because it does not say anything in its amendments that would give a special status to England alongside Scotland, Wales and Northern Ireland and provide proper consultation throughout all parts of the UK. The Labour spokesman, the hon. Member for Darlington (Jenny Chapman)—she spoke very eloquently, and in a very friendly way—did not mention the word “England”, and she had no suggestion about how England should be properly represented and England's views properly taken into account in the process that is about to unfold.

Joanna Cherry: May I assure the right hon. Gentleman that if he were minded to bring forward any amendments dealing with his concerns about England, we would give them serious consideration?

John Redwood: I have not done so, because I agree with my right hon. Friend the Member for Forest of Dean and Government Front Benchers that the Government will, of course, do a perfectly good job in consulting and making sure that all parts of the UK are represented, and I am quite sure that Ministers who represent English constituencies will want to guarantee that the view of England is properly considered.

Mark Durkan *rose*—

Ian Blackford *rose*—

Tommy Sheppard (Edinburgh East) (SNP) *rose*—

John Redwood: If we take the referendum as a national, UK-wide referendum, we will of course take into account the views of everybody because we are following the mandate of the United Kingdom referendum, in which a very large number of English votes are rather important—

The Temporary Chair (Sir Roger Gale): Order. I am sorry to interrupt the right hon. Gentleman. The conventions are absolutely clear: the right hon. Gentleman will give way as and when he wishes, and hon. Members seeking to intervene should not remain standing.

John Redwood: I am very grateful to you, Sir Roger. I was trying to deal with the previous intervention. As a courtesy to the hon. and learned Member for Edinburgh South West (Joanna Cherry), I thought other Members should listen to my answer to her before I took another intervention. I am now happy to take another intervention.

Mark Durkan: The right hon. Gentleman has indicted the Labour party and the SNP for not, in this group of amendments, addressing questions in relation to England. Does he recognise that the grouping is headed, “Devolved administrations or legislatures”?

10.15 pm

John Redwood: I am well aware of that, and I am well aware that we have different arrangements around the country, but it is still an injustice to England that under the model proposed by Opposition Members, the biggest part of the Union by far would not be consulted on the same basis as the rest of the United Kingdom. I quietly remind them that to have the happy Union that I want, that all Government Members want and that, I think, a lot of Labour Members want, when we change the arrangements and have special arrangements for some parts, we have to make sure that they are fair to England as well.

Ian Blackford: We must reflect on what we were told in 2014, and that is that we were asked to lead the Union. If we are to have respect for this place, which we do, this House has to respect that the people of Scotland have given a particular judgment. This is about the House reaching a compromise not with us as SNP MPs, but with the people of Scotland. I cannot see why the Government and Conservative Back Benchers see that as so difficult. Quite frankly, if they cannot reach that accommodation with the people of Scotland, the people of Scotland will make their own conclusion.

John Redwood: Some of the SNP Members do protest too much. I seem to remember that they actively fought two referendums in recent years and managed to lose both of them. For my part, I am very happy with the result of both referendums; I managed to find myself on the winning side in both cases. I believe in respecting the views of the Scottish people, who decided that they wished to remain part of the Union of the United Kingdom, and in respecting the views of voters in the United Kingdom, who said they did not wish to remain part of the European Union. That is a very clear set of messages.

This Union Parliament, in the interests of the special Scottish considerations, said that only Scottish voters would decide whether Scotland stayed in the Union or not. Although many of us had strong views and were pleased that they decided to stay, we deliberately decided that it was appropriate to let Scotland decide, because in a democracy, a country cannot be in a union that does not volunteer freely to belong to that union. The Scottish nationalists, by the same logic, must see that

people like myself—the 52%—have exactly the same view on the European Union that they have on the Union of the United Kingdom. There has to be voluntary consent. When the point is reached where the majority of a country no longer wishes to belong to the European Union, it has to leave.

I would have been the first to have said, had the Scottish nationalists won the Scottish referendum, that I wanted the United Kingdom to make all due speed with a sensible solution so that Scotland could have her wishes. I think I would have wanted rather more independence for Scotland than the Scottish nationalists, because I think that if a country is going to be a properly independent—

Patrick Grady: On a point of order, Sir Roger. I keep hearing the right hon. Gentleman talking about the “Scottish nationalist party”. I do not know what party that is, but the Members on these Benches belong to the Scottish National party.

The Temporary Chair (Sir Roger Gale): The hon. Gentleman will understand that that is not a point of order for the Chair.

John Redwood: I am delighted that another advert has been given for the Scottish National party. We understand the point that its Members are making: they are not happy with the result of either referendum. However, in a democracy, when we have trusted the Scottish people to decide whether they wish to leave our Union and we have trusted United Kingdom voters to decide whether they wish to leave the European Union, it is my view and the view of practically all my right hon. and hon. Friends, and many Labour MPs, that we need to respect both results.

Paul Flynn (Newport West) (Lab): The memory of the right hon. Gentleman serving as the governor-general of Wales is treasured because of his memorable attempt to sing the Welsh national anthem, but he did that job without the legitimacy of a single Welsh vote. Does he not recall that this House can now act as an English Parliament under the EVEL rules? However, that is a path to the break-up of the United Kingdom.

John Redwood: Yes, the United Kingdom, through this Parliament, has decided that there will be differential arrangements for different parts of the United Kingdom. To Scotland we have given a Parliament; to Wales and Northern Ireland we have given an Assembly; and to England we have given absolutely nothing. That, so far, is our constitutional settlement. We have accepted exactly what the SNP spokeswoman was seeking: special treatment for Scotland through a more powerful Parliament.

One of the disappointments about this debate on devolution is that the myriad amendments do not, as I understand them, deliver more devolved powers to the Scottish Parliament or to the Welsh or Northern Ireland Assemblies, yet that opportunity will be there for the taking as we proceed with the process of leaving the European Union.

I despair at the pessimism of so many people about this very exciting process of recreating an independent, democratic country. The SNP should understand that an area such as agriculture, which the hon. Member for

Rhondda (Chris Bryant) wrongly told us was fully devolved—of course, it is not fully devolved but almost completely centralised in Brussels, which makes all the crucial decisions and budgetary dispositions, which we then have to execute—

Chris Bryant: It is now.

John Redwood: The hon. Gentleman says it is now, but we are still in the EU, and that is the position we are about to change. This gives us a huge opportunity to devolve that power from Brussels. Some of it might go to the Union Parliament, some to the Welsh Assembly and some to the Scottish Parliament. That is to be decided, but would it not be a good idea if the SNP joined in positively the discussion about the appropriate areas to take those powers?

Sir Hugo Swire: Does my right hon. Friend believe, like me, that the SNP will join in the discussion if, on exiting the EU, more money becomes available to spend in the UK? If more is spent in England, it will want a dividend for Scotland as well, through Barnett.

John Redwood: I suspect that that is exactly right. I look forward to the day when the SNP accepts the verdict of the Union and the wisdom of the majority of Union voters, and sees that there is more power in it for devolved Parliaments and Assemblies—and potentially more money, once we no longer have to send the net contributions—and that we have a great opportunity to develop the devolved version of Scotland that the Scottish people voted for, if not always the one that the SNP would like.

Ian Blackford: Will the right hon. Gentleman therefore join me and my colleagues in demanding that powers that might come back to this Parliament, in respect of agriculture and fisheries, be handed over to Scotland and that we get the money that should be coming to us? As part of that process, why do the UK Government not start by handing over the convergence uplift money from the EU that is supposed to come to Scottish farmers and crofters but which the UK has kept its filthy hands on?

John Redwood: It is not my job as an English MP to make that case, but I am glad that at last the SNP is making the case for an opportunity that would present, were it to allow us to get on with Brexit and create exactly that opportunity of more money for Scottish farmers.

Mrs Anne Main (St Albans) (Con): Does my right hon. Friend share my puzzlement that the SNP is not welcoming back control over things such as fishing, or at least the possibility of getting it, but would prefer to leave it in Brussels? It would prefer to leave fisheries policy in Brussels, rather than grabbing the opportunity coming our way to sort out our own fishing resources.

John Redwood: Fishing is a prime example of a deeply damaging policy pursued over 45 years during our term in the EU. It has done a lot of damage to the Scottish industry, as well as to the English industry. Is there not a case for common cause here, to work on a Union-wide fishing policy, with appropriate devolution,

so that we might all be better off and protect our fisheries better, ensure that more of the fish taken is landed and sold, ensure proper conservation, ensure a bigger Scottish, English and British component in the catch taken, and ensure proper and sensible national limits on our waters, which we have not been allowed to have in the EU?

Alex Salmond: The right hon. Gentleman will remember the famous civil service memo when Britain was negotiating entry into the Common Market that said that in the light of Britain's wider European interests, "they"—the Scottish fishermen—were "expendable". If that was the attitude on the way in, why will it not be the attitude of the British Government on the way out?

John Redwood: Because the British people have advised the British Government to be much more sensible on the way out than they were on the way in. As someone who opposed the way in and voted against it as a young man at the time, I am certainly not to blame for the enormous damage visited on the Scottish industry, which the right hon. Gentleman and his party have acquiesced in over many years by always saying that we should stay in the EU, which delivered that very bad policy for Scottish fisherman. I found, going around the country and making the case for our fishing industry, that this was an extremely potent issue, inland as well as in our coastal ports. It was a great sadness to me that so many stalwart defenders of the EU were prepared to sacrifice the Scottish and the British fishing industry.

Michael Gove: I speak as the son and grandson of fish merchants, and I should point out that it was the Scottish nationalist party—[*Interruption*]*—that wanted to keep us in the EU and to maintain the common fisheries policy, which has destroyed jobs and industries, and which is why 54% of people in the parliamentary constituency of Banff and Buchan voted to leave. [Interruption.]*

John Redwood: I am grateful to my right hon. Friend for making a powerful point and for making the Committee even noisier than I was able to make it by my modest remarks.

My final point—I am conscious of the time and I have taken a lot of interventions—is that a big confusion about single markets underlies the SNP amendments. We have this strange contradiction in their logic whereby staying in the single market of the European Union is crucial to the health of the Scottish economy, whereas leaving the single market with England, Wales and Northern Ireland would be fine as part of the process of independence. Far more of Scotland's business, of course, is done with the single market of the United Kingdom than is done with the single market of the EU. Some SNP Members try to justify it by saying, "Well, of course we would be allowed to stay fully in the single market with the rest of the UK, so we would want to do exactly the same thing with the EU." That would be a matter for discussion and negotiation, if there were to be a second referendum and if SNP Members were ever to get to the point where they could win one—two things that look extremely unlikely today.

SNP Members need to look very carefully at their contradictory position. My view in both cases is that what matters is access to the market, not membership of

[John Redwood]

the market, because membership comes with budget contributions, acceptance of law making, acceptance of court powers and all the rest of it, which is true of our single market in the UK just as it is of the single market as designed in the EU. Successful independent trading countries just need very good access to markets, which is what can be got under most favoured nation rules under the WTO and probably even better access through the negotiation of a special free trade agreement. It should be much easier to negotiate a free trade agreement where there is already one *de facto*, because it is not necessary to remove tariffs that are difficult to remove. They have already been removed; we are just trying to protect them.

I thus urge the Scottish nationalists to think again about this issue and to understand that we are all on the same side: we want maximum access for Scottish whisky as well as for English beef or whatever the product. There is every possibility that we can achieve a good deal, and we are much more likely to achieve it without the amendments tabled by SNP Members, and with a concerted view from this place that we are going to get on with implementing the wishes of the United Kingdom voters. Their message to us is, “Just do it.” That should be the message from this week’s debate in this Chamber.

Conor McGinn (St Helens North) (Lab): I rise to speak to new clause 109, tabled in my name and those of my right hon. and hon. Friends. I shall also speak to amendment 86 and new clause 150, tabled in the names of my hon. Friends the Members for Belfast South (Dr McDonnell), for Foyle (Mark Durkan) and for South Down (Ms Ritchie). I will be brief, because I want to allow Members from Scotland, Wales and, of course, Northern Ireland to speak on these matters.

Before I come on to my substantive point about my new clause, I want to say that as a Member of Parliament representing an English constituency, I hope that my hon. Friend the Member for Feltham and Heston (Seema Malhotra) gets a chance to speak to her new clause 168. In Merseyside and Greater Manchester, directly elected Mayors will be in place by the end of this May. My constituents in St Helens North, people in Greater Manchester, in the Liverpool city region and indeed people across the north-west of England will expect their views and those of their elected representatives to be taken into account as part of this process.

The Good Friday agreement is, for me, at the heart of progress made in Northern Ireland and with respect to relations between Britain and Ireland. The progress made over the last number of decades has been forged by and through our common membership of the European Union. In speaking to my new clause, I am of course cognisant of the fact that this debate is taking place in the context of the implications of the referendum held last May. I voted in this Parliament to hold a referendum; I took part in that campaign; and I lost. Those who argued for a remain vote lost. I respect that fact, and I voted accordingly last week. I want to be constructive about working with the Government to get the best possible Brexit that we can for my constituents and for the United Kingdom.

However, I am also cognisant of the need for respect to be shown to a different referendum, the one that took place in Northern Ireland in 1998 on support for the

Good Friday agreement. On the same day, there was another referendum which resulted in Ireland’s withdrawal of its territorial claim over Northern Ireland. That goes to the heart of the amendments tabled by my hon. Friends in the Social Democratic and Labour party. So the people of Northern Ireland, through a referendum, endorsed the Good Friday agreement. Subsequent agreements have been made between the Governments of the United Kingdom and Ireland, supported by the efforts of my hon. Friends in all the Northern Ireland parties—and I call them my hon. Friends deliberately.

10.30 pm

Ian Paisley: May I ask the hon. Gentleman a question about new clause 109? He is asking Her Majesty’s Government to commit themselves to the principles that are enshrined in the various agreements, but given that he accepts that they have committed themselves to all those principles—as, indeed, have Her Majesty’s Opposition—why is the new clause necessary?

Conor McGinn: I think it important to bear in mind the uncertainty that has been caused by the vote to leave the European Union, and the fact that the drafting and signing of the Good Friday agreement, and all the architecture surrounding it, were in the context of both the United Kingdom and Ireland being members of the European Union. Let me also say gently to my hon. Friend that people in Northern Ireland, like people in Scotland, voted to remain in the European Union. The vote that I cast in the House on article 50 was based on the vote in the United Kingdom as a whole, but I think that that is worth bearing in mind as well.

I hope that the Government will commit themselves to ensuring that some of the provisions of the Good Friday agreement will remain in place when the United Kingdom leaves the European Union, and to upholding them in both letter and spirit. The first, which is the most practical and obvious, is the free movement of people, goods and services on the island of Ireland. Trade and tourism have increased. People in the United Kingdom, in Ireland and, indeed, in the world as a whole do not lead their lives, or inhabit their communities, on the basis of boundaries. I see very little difference between crossing the boundary between my local authority in St Helens and the local authority in Knowsley and crossing the border between Derry and Letterkenny, or between Newry and Dundalk.

My second point concerns citizenship rights, specifically in relation to Northern Ireland, although my new clause 108, which was included in the previous group, refers to the status, rights and privileges of the Irish community in Great Britain. As the chair of the all-party parliamentary group on Ireland and the Irish in Britain, I would welcome an assurance from the Government. Migration from Ireland was taking place before we simultaneously joined the European Union. Although Irish citizens will still be EU citizens after the UK leaves the EU, it would be good to know that the rights, status and entitlements that they have enjoyed through legislation and through custom and practice over the last century—and for many centuries—will be maintained.

This is also about the rights of people who were born in Northern Ireland to choose to be Irish or British, or to choose to be both. I choose to exercise both those

rights; some people choose to exercise, exclusively, one of them; but I think it important for those who wish to be Irish citizens, and will be EU citizens, who reside in and were born in Northern Ireland to be very much in the Government's thoughts as they negotiate our withdrawal.

The third point is about the preservation of institutions relating to strands 2 and 3 of the Good Friday agreement, namely the North South Ministerial Council and the north-south bodies. The north-south bodies deal with, for instance, food safety, trade and business, inland waterways, the Ulster Scots and the Irish language. One would imagine that when the United Kingdom leaves the European Union, the Special EU Programmes Body, which was set up to distribute European Union funds, will cease to exist. It was set up under strand 2 of the Good Friday agreement, which was passed by a referendum, and which is enshrined in legislation passed by the House of Commons.

In the context of strand 3, I think it crucially important for east-west relations between the United Kingdom and Ireland to continue. There is a new dynamic following devolution and the creation of the Welsh Assembly and the Scottish and Welsh Governments, who play a role in the British-Irish Council and in forums such as the British-Irish Parliamentary Assembly. It is absolutely critical that this engagement continues. Taking on board the point of the hon. Member for North Antrim (Ian Paisley), these engagements are taking place in the context of our joint European union, which has made all of this just so much easier. That is an indisputable fact.

One area that concerns me greatly in terms of the UK leaving the EU is the Good Friday agreement's provisions on human rights and equality, given the Government mood music around the European convention on human rights. That is of course separate from and outside membership of the EU, but it is worrying that the Government have intimated that they would seek to roll back or reverse some of the commitments given on human rights in terms of both Northern Ireland in relation to this new clause and people across the UK as a whole.

Dame Rosie Winterton (Doncaster Central) (Lab): Does my hon. Friend agree that it would be very appropriate if the Minister tonight confirmed that the Government are not going to leave the European convention on human rights and the Council of Europe, because there are strong feelings on both sides of the House about that and about leaving our place in the world somewhat exposed? It is important that the Minister gives an undertaking on that tonight.

Conor McGinn: I agree entirely and pay tribute to my right hon. Friend for the valuable and important work she does in representing this place on the Council of Europe; we are very lucky to have her in that position.

On the principle of consent, having previously alluded to the Irish Government withdrawing their territorial claim, there is now no dispute—the Good Friday agreement makes this clear—by any parties in the Northern Ireland Executive or any parties in this House about the fact that Northern Ireland will remain part of the United Kingdom until such time as the majority of people

there decide otherwise. That is what is enshrined in the principle of consent, but it is for people in Northern Ireland and the island of Ireland as a whole to exercise that. My slight concern is that Northern Ireland leaving the European Union is a constitutional change that has been done without the consent of people in Northern Ireland, because they voted to remain. That again unsettles what has been a very delicate political balance that both Labour and Conservative Governments have sought to protect.

The new clause tabled by my hon. Friends the Members for Foyle, for South Down and for Belfast South goes to the heart of this as well. There is no provision for a part of a country that leaves the EU to re-join the EU. We must be explicitly clear on that, in respecting the principle of consent. If the wishes of people in Northern Ireland change and they wish to join a united Ireland, provision should be made for them to immediately become members of the EU, having expressed their wish to join the rest of the island of Ireland in a union.

Finally, it is very important to maintain the status of the Irish language. It is a full EU recognised language, and particular reference is made to it in the Good Friday agreement in terms of its being a regional and minority language.

I have tried to be constructive in my amendment, and I hope that what I have said tonight is constructive. I have huge respect for hon. and right hon. Friends from Northern Ireland. I understand that on this we will have different views, but in doing so I seek to protect the Good Friday agreement and the peace process, which I believe has given me and many others like me opportunities that we would not otherwise have had.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): It is a pleasure to serve under your chairmanship, Sir Roger. I congratulate the hon. Member for St Helens North (Conor McGinn) for his considered and well-made speech; it was a pleasure to listen to it. I know that time is of the essence and I will therefore speak briefly to Plaid Cymru's amendments in this group; they are new clauses 158, 159, 160 and 162 and amendment 90. With your permission, Sir Roger, we hope to press new clause 158 to a vote.

The Bill as it stands will be the biggest job-killing Act in Welsh economic history. It may be short, but it is loaded—loaded with a Brexit that pays no regard to the promises made during the Vote Leave campaign. This is not a Bill that ratifies the referendum result; it is a Bill that endorses the UK Government's Brexit plan. We do not accept that the Prime Minister's extreme Brexit is what drove people to vote leave. They were swayed by a torrent of false promises, and new clause 158 is designed to hold the Brexiteers' feet to the fire. It would allow for proper scrutiny of the Government's plans to uphold their pledge of continued levels of funding for Wales before triggering article 50.

Mr Mark Williams (Ceredigion) (LD): The hon. Gentleman represents a rural constituency, as do I. Would he like to remind the House of the promises that were made to our rural communities, especially bearing in mind the fact that 90% of our exports go to the single market?

Jonathan Edwards: The hon. Gentleman has made a point that I shall make later in my speech. We were promised absolutely no detriment; that pledge was made to the people of Wales.

Stephen Doughty: I wholeheartedly support new clause 158. It is a shame that my new clause 157 was not selected; it had a similar intent. Does the hon. Gentleman share my concern that, despite repeated questions to the Government, they have refused to guarantee that Wales will not be left a penny worse off as a result of leaving the European Union?

Jonathan Edwards: I thank the hon. Gentleman for his intervention, and for his new clause, which we would have been delighted to support. That is exactly the point that I shall be making during my contribution on new clause 158.

Nick Thomas-Symonds (Torfaen) (Lab): Further to the point that my hon. Friend the Member for Cardiff South and Penarth (Stephen Doughty) has just made, does the hon. Gentleman agree that the Government have failed to guarantee EU funding post-2020, which is what was promised in the referendum?

Jonathan Edwards: That is a pertinent point, and I am happy that colleagues will support us in the Lobby if we get the opportunity to vote on my new clause later.

The UK Government's White Paper, which was published only last Thursday, was a complete whitewash in relation to those pledges. Unsurprisingly, it made no commitment to uphold the funding pledges, which were no doubt very persuasive in Wales during the referendum. Let us remember that the estimated net benefit—I emphasise “net benefit”—to Wales from the EU in 2014 was around £245 million, or £79 per head. We will not accept a penny less from the UK Government, because that was the specific pledge by the leave campaign in our country. Not one single penny less.

Just over a week before the vote, amid huge publicity, the leader of the Conservatives in Wales said that “funding for each and every part of the UK, including Wales, would be safe if we vote to leave.”

That statement was made following an open letter written by Tory Front Benchers, some of whom have now been promoted to the Cabinet and hold Brexit portfolios. They made the same promise.

Albert Owen (Ynys Môn) (Lab): I, too, will be supporting the hon. Gentleman's new clause 158 in the Lobby this evening if a vote is called. I would also have supported new clause 157. He is making an important point. Does he agree that the Joint Ministerial Committee would be a vehicle for the Welsh First Minister, on behalf of the Welsh Assembly, to make that case and hold the Government to account?

Jonathan Edwards: I welcome the hon. Gentleman's intervention, and I will be supporting the new clause tabled by the Labour Front Bench if it is pushed to a vote. He is completely right. At the moment, UK Government Ministers might as well go into those Joint Ministerial Committee meetings with their iPods on and their headphones in. They are not going to listen to a word that the Welsh or Scottish Governments say, or

to the representatives from Northern Ireland. There is no leverage to what is discussed in those JMC meetings. We need to firm up those processes.

The extreme Brexit favoured by the UK Government takes no account of the geographical economic divergence that exists within the British state. The Welsh economy is heavily driven by exports, and two thirds of our goods go to Europe. To willingly block those vital economic arteries would be an act of calamitous self-harm, given that 200,000 jobs in Wales are sustained by our trade with Europe. As someone whose job it is to represent the interests of my constituents and compatriots, I have a responsibility to do all I can to mitigate this Bill's intentions.

That brings me to new clause 159, which would require the Government to explore a differentiated deal for Wales within the European economic area. The unprecedented task that lies ahead for the UK will inevitably require flexibility and, indeed, imagination. We have made it clear on a number of occasions that if the UK Government give us the assurance that Wales will keep its membership of the single market and the customs union, we will support the Bill. The Government have already conceded, rightly, that flexibility will be required to avoid a hard border between the Republic of Ireland and Northern Ireland. The joint Welsh Government-Plaid Cymru White Paper makes the case for the continuation of full participation—that is, membership—for Wales in the single market and the customs union.

Paul Flynn: Does the hon. Gentleman agree that the extraordinary attitude taken by the Government and the Prime Minister today on the status of the United Kingdom is entirely false? The United Kingdom does not exist as far as agriculture is concerned. The powers are exercised by the Welsh Government and the EU. If this goes through, it will be an attempt by the Government to take back powers that have already been devolved to Wales, Scotland and Northern Ireland.

10.45 pm

Jonathan Edwards: The hon. Gentleman is correct, as always, and I will come to that point later in my speech when I talk about shared competence and some of the constitutional reforms that will have to be made following Brexit.

In a similar manner, concessions have reportedly been made in certain sectors of the economy. We have already heard about Nissan in Sunderland and, as we would expect, the City of London. New clause 159 calls on the Government to show Wales a similar level of consideration by committing to consult on a territorial exemption when the Prime Minister drags the UK out of the single market.

Mrs Madeleine Moon (Bridgend) (Lab): Last week, I asked about guarantees about tariffs, specifically that there be no tariffs on Ford engines built in my constituency and exported out of Wales. I was told that there was no guarantee but that there was a commitment. Is a commitment good enough for Wales? Is it good enough for the United Kingdom given that we are now £1.8 trillion in debt—a national debt that is growing by more than £5,000 a second?

Jonathan Edwards: The hon. Lady is right to mention the fears about Ford because it is a major employer. I pay tribute to her for having the courage of her convictions when she voted against the Labour Whip last week.

Vote Leave campaigned on a platform of sovereignty, claiming that it wanted decisions made as closely to the people as possible. New clause 160 would allow precisely that by requiring the National Assembly for Wales to endorse any final agreement on the terms of exiting the European Union, thereby ensuring that Wales is fully involved in the process and that its needs are met. The Supreme Court ruling, which concluded that the Sewel convention holds no legal weight, confirms our long-held suspicion that devolution, and the principles it champions, is built on sand. Indeed, the UK Government went out of their way in their submission to the Court to emphasise the supremacy of this Westminster Parliament over the devolved Parliaments. Within the UK, it seems as though some Parliaments are more equal than others. Indeed, the Supreme Court ruling is why new clause 160 is necessary. If the British state is a partnership of equals, this is an opportunity for the UK Government to prove it.

The Prime Minister obviously recognises her political duty to consult the devolved Administrations—if only to save her own reputation. After all, she does not want to go down in history for breaking up two unions. Without the leverage of a vote on the final terms, Wales' input holds no weight. The Brexiteers are ploughing ahead with the hardest of brutal Brexits. The Prime Minister's "plan" speech on 17 January came before Plaid Cymru and the Welsh Government had an opportunity to submit their White Paper for consideration.

New clause 162 and amendment 90 deal with repatriated powers and the constitutional future of the British state. On the UK's withdrawal from the EU, powers will be repatriated to the UK, as mentioned by the hon. Member for Newport West (Paul Flynn), and a determination will need to be made about powers in devolved areas. At the moment, there is little experience within the British state of shared competence. Serious thought and consideration must be given to the future of the UK's constitutional structures. If not, we are in danger of constitutional turmoil.

Stephen Doughty: The hon. Gentleman makes an important point. Does he agree that the problem with some speeches from Government Members is that they simply do not get that this is not a unity constitutional state anymore? We have separate Administrations, for example. How will the UK's internal single market work? Have the Government given any thought to such matters? I do not think they have. Does he agree?

Jonathan Edwards: I completely agree. That is why new clause 162 is important in that wider debate. Government Members are riding roughshod over the views of Members of Parliament representing Wales and Scotland and setting a dangerous precedent.

Charlie Elphicke: In all the hon. Gentleman's remarks, he skates over the fact that it was a referendum of the United Kingdom. The people of the United Kingdom voted to leave the European Union. What is more, the people of Wales voted to leave the European Union.

He ought to respect the people of Wales, who made that decision as much as did the people of the United Kingdom.

Jonathan Edwards: I am not questioning the referendum result. I am trying to work out what happens next in the interests of all the people I represent in Carmarthenshire and the people of my country, Wales.

Powers repatriated that straddle both devolved and reserved subject areas must be dealt with effectively, and the National Assembly must retain its autonomy. By "taking back control" the Prime Minister must not mean rolling back on devolution. New clause 162 would provide an avenue for that by committing the UK Government to conduct a review of the UK's constitution.

Tommy Sheppard: Does the hon. Gentleman agree that the likely rejection of his amendment by Government Members, along with their put-down of every attempt to get some meaningful consultation with Ministers in Scotland, Wales and Northern Ireland, belies a deep arrogance? They actually think that this process means that British Ministers can override Ministers in Scotland, Wales and Northern Ireland on matters that pertain to those countries.

Jonathan Edwards: I agree exactly with the hon. Gentleman, but I would go further. My great fear is that Brexit will be used by the UK Government and by the Conservative party to derail and undermine devolution in its entirety.

In a similar manner to new clause 162, amendment 90 seeks clarity on laws repatriated from the EU.

Wayne David (Caerphilly) (Lab): I hear what the hon. Gentleman is saying, but does he agree that what we need more than anything else at this moment is mutual respect of the devolution settlements and that we should do our best to achieve consensus wherever possible?

Jonathan Edwards: I fully agree with the hon. Gentleman. The amendments tabled by the SNP, Plaid Cymru and Labour endeavour to achieve that, and it is a source of great regret tonight that they have been taken so badly by Government Members.

I do not usually make a habit of quoting the leader of the Conservatives in Wales, but in this instance he has made another fitting statement, and I will hold his party to account on it. He said in an LBC interview last month:

"No, this won't be the last Wales Bill... Brexit will require devolution changes to realign those responsibilities."

There we have it. A devolution settlement meant to last a generation, and which received Royal Assent only last week, is already redundant.

I finish by reiterating that on 23 June nobody voted to lose their job or to become poorer. My colleagues and I will be doing everything possible to avoid that and to ensure that the interests of the people of Wales are protected.

Mr Owen Paterson (North Shropshire) (Con): I have listened to the debate with interest, but I had not intended to contribute, so I will be brief because other Members want to speak.

[Mr Owen Paterson]

I say to the right hon. Member for Gordon (Alex Salmond), the ex-leader of the SNP, that 17.4 million people voted to leave. The majority of the amendments that we are faced with this evening are wholly vexatious and are intended to frustrate the will of the people. What aspect of these three simple English words do the SNP not understand: “You lost twice”?

Alex Salmond: My hon. Friend the Member for Rutherglen and Hamilton West (Margaret Ferrier) just predicted exactly what the right hon. Gentleman was about to say, because apparently he said it a day or so ago. Does he remember the result of the general election in Scotland? Fifty-six out of 59 seats. Does he remember the result of the Scottish election? Nicola Sturgeon was resoundingly returned as First Minister of Scotland.

Mr Paterson: I like having a helpful intervention, which gives me another chance to remind the Committee that 17.4 million people across the UK voted for this result. The one thing that would be bad this evening is if we were to accept any of these amendments, because that would lead to uncertainty. What we need is clarity. After the vote last week, businesses, investors and those in jobs across the land need clarity and certainty, so I suggest that the SNP gets back to the day job. Look at the primary schools where literacy rates are declining. Look at the universities where the number of people from less well-off backgrounds is declining. Look at the great hospitals that are not performing. Look at the mess the SNP made of its police reforms. Go back and work on the day job.

Another narrative is creeping into this evening’s debates. It concerns Northern Ireland and is rather more serious than the pantomime of the SNP. I refer to some comments that have been made about the potential threat to the peace process, and I wish to put another point of view. The people who should be given the most credit are the incredibly brave professional people in our security forces who, under the most extraordinary provocation and in difficult circumstances, held the line and held the peace, which allowed the peace process to take place. I also pay tribute to all those in all parties in Northern Ireland who worked on the peace process; to the two leading parties in the UK, the Conservative party and the Labour party, which took a bipartisan approach; to the two main parties in the Dáil, Fine Gael and Fianna Fáil; and to the two main parties in Washington, the Democrats and the Republicans. That extraordinary unity of purpose, over many years, has brought Northern Ireland to the better place it is in.

When I was shadow Secretary of State for Northern Ireland, I went to Northern Ireland every week for three years, and when I was Secretary of State I went every week for two years. In five years, I do not recall having a single meeting with any EU official; I do not recall any visit to Brussels on any issue. Obviously, the two years I spent at the Department for Environment, Food and Rural Affairs were a complete contrast, as about 90% of what DEFRA does is implement EU law. So I wish to correct the idea about what would happen should the UK bring back powers and the money to this place. Obviously, there were significant EU funds, so we will have shedloads of money coming back, which we will continue to spend.

I wish to put on the record again the fact that in five years neither I, nor my right hon. Friend the Member for East Devon (Sir Hugo Swire), my stalwart Minister of State, can remember a single meeting with an EU official. That just puts into perspective the importance of the EU. I recall having the German ambassador to a successful dinner at Hillsborough where we talked about investors, but I honestly cannot recall a meeting with the EU. I did come in after the settlement had gone through and perhaps Labour Members who were involved remember interventions, but for me the key players in this were the UK security forces, the two main parties here, the two main parties in Dublin and the two main parties in Washington.

Ian Murray: The right hon. Gentleman used the term “shedloads”. Will he tell the House how much “shedloads” is? Is it more or less than the £350 million for the NHS that was plastered on that now infamous bus?

Mr Paterson: The latest figure I saw was about £10 billion, so significant funds from the EU pass through the UK Government and those funds could be either spent at the same level or increased should we wish to do so. I therefore do not see that the money side will destabilise the peace process. We have heard talk that the process is unhelpful for Northern Ireland, but it has moved on to a completely different position. The main thing to concentrate on in Northern Ireland is getting the economy moving, and that is where the real efforts should be. It is also worth thinking about the position of the Republic—

Ms Ritchie: Does the right hon. Gentleman understand or accept that direct negotiations would have taken place between EU officials, and the Northern Ireland Executive and the Ministers therein, rather than the Secretary of State or his deputy, because those EU matters were devolved matters?

Mr Paterson: Yes, I am perfectly happy to accept that. That was in the negotiation before I arrived. I worked closely with the former Member for St Helens South when he was Secretary of State and I was his shadow. As shadow, I spent a lot of time going to Dublin, talking to both parties, and to Washington, and that continued when I became Secretary of State. The point I am making is that in the time I have been around, the EU has not played a key negotiating role. Money has been going in that we can easily replicate and the peace process has moved on. I want to correct the narrative that the EU played a key role in the whole process.

11 pm

It is interesting that the Republic of Ireland is now moving on as well. I had an interesting letter from Anthony Coughlan, the associate professor emeritus in social policy at Trinity College, Dublin. He has produced an interesting paper on why Brexit should be accompanied by Irexit—Ireland exit. To give the House a feel for it, the third paragraph of his letter says:

“Now that the Republic has become a net contributor to the EU Budget, and the fact that it will be doing nearly two-thirds of its foreign trade with English speaking countries outside the EU when the UK leaves, as well as for the other reasons set out in the report, it is clearly in its best interests that it should leave the EU at or around the same time as the UK does.”

That shows that there are forward-thinking people in Dublin, and brings attention to the extraordinarily close relations we currently have with Dublin, which will continue.

We have clear indications in the White Paper about the common travel area. There will be continued close relations and close movement, which is to the advantage of all citizens in Northern Ireland and the Republic.

Danny Kinahan (South Antrim) (UUP): Does the right hon. Gentleman agree that a lot of the changes and things that must happen in future will have to come from the EU? We need article 50 to go through quickly so we can get on with it, but we need the EU to start looking after Ireland and fighting its corner so that we can all work together to find the best solution.

Mr Paterson: I am not sure that the words “looking after Ireland” will be that welcome in a proud independent state, but the hon. Gentleman is absolutely right. He has taken the point I made: uncertainty is not good for Northern Ireland, and I shall happily vote against all the amendments, because they would lead to uncertainty. If EU funds have been provided, we can pick them up. The key players are the two main parties in this House, the two main parties in the Dáil, and the two main parties in Washington. Those are the real guarantors of the peace process. With that, I look forward to voting against the amendments.

Mark Durkan: The real guarantors of the peace process were the people of Ireland when they voted by referendum in May 1998 to choose and underpin the agreement. Neither of the two main parties in this House had a vote in that referendum, and nor did the two parties in Washington, so let us be clear on who the real guarantors are. In the context of a debate in which we are told we have to go by the imperative of the referendum that took place on 23 June last year, let people recognise that there is still an imperative that goes back to the joint referendum—that articulated act of self-determination by the Irish people, who chose to underpin and agree to the Good Friday agreement.

The right hon. Member for North Shropshire (Mr Paterson) says he does not want uncertainty, but as far as the Good Friday agreement is concerned, the uncertainty is being created by Brexit. Neither he nor anyone else in this House should be surprised when they start to hear that the negotiations that take place after the Assembly elections will not just deal with the questions of scandal, the lack of accountability and transparency, and the smugness and arrogance displayed by the parties in government, but will go to the core of the implications for the agreement as a result of Brexit.

The fact is that although the Good Friday agreement has been wrongly dismissed by others, the EU is mentioned in it. It is there in strands 1 and 2—one of the most expansive references is in relation to the competence of the North South Ministerial Council; it is there in strand 3; and, of course, it is there in the key preamble of the agreement between the Government of the UK and the Government of Ireland, which refers to their common membership of the EU. As John Hume always predicted, that provided both the model and the context for our peace process.

It is no accident that when John Hume, who drove so much of the principles and method into the Good Friday agreement, was awarded the Nobel peace prize—well, just look at that speech and how many references there were to the signal role of Europe and the special contribution it had made and would make, and to the role that the experience of common membership of the EU would play. That is why he said:

“I want to see Ireland—North and South—the wounds of violence healed, play its rightful role in a Europe that will, for all Irish people, be a shared bond of patriotism and new endeavour.”

When he enunciated those words in 1998, he was not talking about a new concept. We can look across the Chamber and see the plaque commemorating Tom Kettle, a former Member of this House who gave his life in the first world war. Before that war, he said that his programme for Ireland consisted in equal parts of home rule and the 10 commandments. He said:

“My only counsel to Ireland is, that to become deeply Irish, she must become European.”

Before he gave his life in the war, he said:

“Used with the wisdom that is sewn in tears and blood, this tragedy of Europe may be and must be the prologue to the two reconciliations of which all statesmen have dreamed, the reconciliation of Protestant Ulster with Ireland, and the reconciliation of Ireland with Great Britain.”

That reconciliation was best achieved and best expressed when we had the Good Friday agreement, which was so overwhelmingly endorsed in this House and in the referendum of the Irish people, north and south of the border. We know that some people did not endorse it, and that some have held back their endorsement and refused to recognise that referendum result. Some of them are the same people who are telling us now that we have to abide by the referendum result in respect of Brexit and that we have to ignore the wishes of the people of Northern Ireland in respect of remaining in the EU. It is the same as when they said that we had to ignore the wishes of the people in Northern Ireland in respect of the Good Friday agreement.

No one should be under any misapprehension that there are implications for the Good Friday agreement. When we hear this lip service that we get from the Government, the rest of us are meant to lip synch along with it and talk about frictionless borders and the common travel area. All those things about the border experience and the common travel area predate the agreement itself, so if we address those issues and those concerns, we must understand that the terms in which they are addressed are not reliable and that they are not relevant to protecting some of the aspects of the agreement itself, which is why the amendments in this group that we have tabled are so important.

The right hon. Member for Forest of Dean (Mr Harper) has already referred to new clause 150, which appears on page 74 of the amendment paper. We have also tabled a key amendment, amendment 86, to which the hon. Member for St Helens North (Conor McGinn) referred when he addressed new clause 109. There are also amendments 88 and 92, which deal with questions around the competence of the devolved Assembly, and the need for consent in respect of any changes to the competence of that Assembly or of devolved Ministers. Those amendments are not about the question of the Assembly giving consent to the triggering of article 50, so it is not about the same question that went to the

[Mark Durkan]

Supreme Court—but it is about issues and principles that were addressed and are expressed in the judgment of the Supreme Court that too many people have sought to ignore.

As a supposed co-guarantor of the Good Friday agreement, the UK Government are meant to have a duty to protect and develop that agreement. Indeed, various Ministers have told us that they have no intention of allowing Brexit to undermine the agreement. If that is so, there should be no difficulty in having that commitment in the Bill. Politically, we all have to conclude from the Supreme Court judgment that no matter what principles have been agreed or established, none of us can have recourse to their legal adherence without their explicit inclusion in legislation and/or a treaty. We therefore have a duty to be vigilant against any legislative terms that could be used to relegate the crucial importance of the Northern Ireland Act 1998 and/or the Belfast agreement more widely.

Those sponsoring and supporting this Bill do so arguing the need to respect the outcome of the referendum on 23 June. We make no apologies for highlighting the primacy that has to be accorded to the overwhelming endorsement in our referendum, when, on 22 May 1998, nearly 72% of people in Northern Ireland and 96% in the south of Ireland voted in favour of the Good Friday agreement.

Sir Hugo Swire: The hon. Gentleman is talking about some extraordinarily challenging and difficult issues, which could have very serious implications in Northern Ireland. It seems to me that it is our duty—all of us who want to see Northern Ireland prosper and go forward—to recognise the fact that the UK is exiting the EU and that we have to make the most of it. Will he commit to the House that he will not make divisions over Brexit part of the SDLP campaign during the Northern Ireland elections?

Mark Durkan: The right hon. Gentleman has some neck to ask the Social Democratic and Labour party not to make divisions over Brexit an issue in the election. The wishes of the people of Northern Ireland, which were clearly expressed in the referendum last year, are being ignored. Are we now also to tell the people, “Ignore your own wishes”? The right hon. Gentleman obviously expects a party like the SDLP, which honourably fought a campaign to remain, to say, “Ignore your wishes. Set them aside. You have to be slaves to the impulses of a vote in England in response to some crazy argument.”

Clause 1(2) denies any regard whatever to protecting the constitutional, institutional or rights provisions of the Good Friday agreement or their due reflection in the Northern Ireland Act 1998, which is why we tabled amendment 86. Clause 1(2) seeks to ensure that the Bill is not restricted by any other legislation whatever. Amendment 86 would create an exception for the Northern Ireland Act 1998. Crucially, it would uphold the collateral principles in the other part of the Good Friday agreement, which is between the Governments of the UK and Ireland, and is not fully reflected in the 1998 Act. The amendment would also exempt section 2 of the Ireland Act 1949 from the override power in the Bill or its

outworkings. I admit that the amendment would act as a boundary to the powers provided to the Prime Minister by clause 1(1) and would galvanise the protection for the agreement but, given that the Prime Minister is trying to tell us that she would observe those boundaries, why should she fear that being on the face of the Bill?

New clause 150 draws on key language from the Good Friday agreement, as I made clear to the right hon. Member for Forest of Dean. It is intended to ensure that any future UK-EU treaty—we are told that the Government want to negotiate a new UK-EU treaty—will make explicit reference to upholding the fundamental constitutional precept of the Good Friday agreement, which is the principle of consent that affords a democratic route to a united Ireland if that ever becomes the wish of a majority of people in Northern Ireland. In the case of any such future referendum, no uncertainty whatever must hang over Northern Ireland’s direct admission to the EU as a consequence of a vote for a united Ireland. Nor, indeed, must there be any uncertainty over Ireland’s terms of membership of the European Union.

Such uncertainty was deployed during the Scottish independence referendum, when people said, “Don’t make assumptions about Scotland having an automatic place in the EU or that the process will be easy. Article 49 will make it very difficult.” The difference for Northern Ireland is that it does not have the choice of becoming a new state. Under the Good Friday agreement, its only choice is membership of the United Kingdom or membership of a united Ireland. That agreement was made at a time when both countries had common membership of the EU. Any future referendum will not take place in that situation. Lots of people can place question marks over whether Northern Ireland would have straightforward entry to the EU in that context. Under the terms of the Good Friday agreement, that could constitute an external impediment to the exercise of that choice or even to the choice of having a referendum.

The Taoiseach identified this issue at the MacGill Summer School last year. It will be an issue for the Irish Government, as one of the 27 member states, when they negotiate their side of the treaty. It would be an odd position for the Irish Government as a co-guarantor of the Good Friday agreement to want this to be reflected in a new UK-EU treaty. This is not just an issue for the British Government as a co-guarantor of the Good Friday agreement; it should be something that they are equally and comfortably committed to.

Let us remember that the key precept of the principle of consent and the democratic choice for a united Ireland, as reflected in a referendum in 1998, was the key point that turned it for those people who had locked themselves on to the nonsense idea that they supported violence sourced from a mandate from the 1918 election. That was the key for quite a number of people to say, “Physical force has no more place in the course of Irish politics.” Physical force is now parked because the Irish people as a whole have, in this generation, by articulated self-determination, upheld this agreement, and that gives them the right, by further articulated self-determination, to achieve unity in the future. Anything that diminishes or qualifies or damages that key precept will damage the agreement. People need to know the difference between a stud wall and a supporting wall: just knocking something through because it is convenient and gives a bit more space might be grand and might do, but if at

some future point, when other pressures arise, things start coming down around us, people should not complain. We have to be diligent and vigilant on these matters.

11.15 pm

I would also point out that the German precedent, which some people have told us would apply automatically, would not apply. That was under a different treaty. We should also remember that the German precedent partly relied on the fact that the West German constitution, recognised by the then EC treaty, included a territorial claim of jurisdiction over all of Germany—the basic law applied. That is not the case now in respect of Ireland, because articles 2 and 3 were changed, rightly and properly, in the context of the Good Friday agreement. Those things should not be confounded because of the way in which Brexit takes its course over the years to come. That is why we have to take care of these things now. It is not just the Taoiseach who raised this issue last summer; it is quite clear that the Joint Oireachtas Committee of the Doyle and the Seanad is also prioritising it, and I believe it will feature in one of the Committee's reports.

I advise Ministers that amendment 86, and quite possibly new clause 150, will also be tabled in the House of Lords. They will be tabled by Lord Murphy—Paul Murphy who piloted the 1998 Act through this House. He also chaired the strand 1 negotiations. Everybody thinks George Mitchell chaired all the negotiations to do with the Good Friday agreement, but he did not chair strand 1, which included some of the most detailed negotiations. Paul Murphy chaired strand 1, and he represented the British Government for most of the time in the strand 2 negotiations as well. If someone of his experience and insight—both from that time and from the role he played as Secretary of State—can see the importance of this and the salient, crucial need to protect the agreement through something such as amendment 86 and new clause 150, who are people in this House to dismiss that point, that experience and that insight, as well as dismissing the clear wishes of the people of Northern Ireland?

Finally, I want to address amendments 88 and 92, which make provision for any change to the legislative competence of the Assembly or to the executive competence of the Executive to require the assent of the Assembly. They address issues that found expression in the Supreme Court judgment. There has been a false shorthand around the Supreme Court judgment that has basically said that no aspect of Sewel can ever apply in any way, but that is not what the Supreme Court actually said. At paragraph 151, it said:

“we do not underestimate the importance of constitutional conventions, some of which play a fundamental role in the operation of our constitution. The Sewel Convention has an important role in facilitating harmonious relationships between the UK Parliament and the devolved legislatures.”

The point is a simple one: if this House does not uphold this convention at this time on such an important change in the governance of Northern Ireland, what, then, is left of that convention?

We need to remember that the Good Friday agreement is based not just on the principle of consent but on the promise and the exercise of trust and reliable adherence. We have a situation now where this Parliament is not being seen to keep its side of what was assumed to be the bargain and the understanding in the compact

between all the people of Northern Ireland and the people of Ireland, and between the Governments of these islands. That is why we have tabled amendments 88 and 92.

On amendment 92, I want Members to understand that it is important that the Government indicate that they understand what new changes there will be to the competency of the Northern Ireland Assembly and when those will happen. If, as we are being told—this came up in exchanges between hon. Members from Wales—the great repeal Bill, when it comes, involves competencies over rights or environmental standards being held in some sort of holding pattern here before subsequently being devolved, that could do serious injury to rights protections and promises under the Good Friday agreement. If we have dilution of those rights or standards before devolution, the Northern Ireland Assembly will not be able to top them back up to the pre-existing EU standards without cross-community support, which will probably be denied courtesy of the DUP, just as it has abused and misused the parallel consent principles—the petition of concern—to block other rights. A mechanism that was meant to be there to protect rights has actually been used to frustrate rights. We have to make sure that in the journey of the transfer of powers and competences from Brussels to the UK, it is clearly a case of “Devolution, straight to devolution, do not pass Go, do not collect £200”, and that there is no dirty work at the crossroads in relation to diluting rights and standards. That is why these issues are being addressed.

That will be a key issue in strand 1 and it will become an issue in the negotiations that take place after the election. Those negotiations will touch on the petition of concern itself, but also the context that has been created by Brexit in terms of further powers that might be coming to the Assembly. Similarly, as the hon. Member for St Helens North said, the question of strand 2 will arise in the negotiations, because the Good Friday agreement made a commitment that there would be at least six implementation bodies, on a cross-border basis. The six that were created after the Good Friday agreement were, by the insistence of the Ulster Unionist party, which was the only Unionist party negotiating by that stage, all related to areas that dealt a lot with European funding or dealt with questions of common compliance with European standards. If we no longer have common European funding or the issues of common compliance, then the rationale for those existing bodies has gone and there will have to be six new bodies. That opens up a whole area of negotiation. It brings us essentially into a review of the Good Friday agreement.

Sir Hugo Swire: Does the hon. Gentleman not agree that before there are any new bodies or any more reviews, the priority for the people of Northern Ireland should be to get a working Assembly and re-elect a working Executive to get on with running Northern Ireland, so that all these things can then be dealt with? Without that, there will be no more devolution of anything it seems.

Mark Durkan: Yes, and my party and I are fully pledged to doing that. Nobody worked harder to create the principles and the precepts of the agreement and to get those institutions established and up and running—and we did so, I have to tell the right hon. Member for North Shropshire, with very good assistance from the EU. As someone who was a Minister in Northern

[Mark Durkan]

Ireland—both a Finance Minister and a Deputy First Minister—I had many negotiations with many people in the EU, including Michel Barnier, who was very constructive and helpful in relation to a number of funding issues. Yes, he had his particularisms about which one had to be careful and understand where he was coming from, and certainly his officials had to understand where he was coming from, but it was a useful and constructive contribution—one of many—from the EU.

Tom Elliott (Fermanagh and South Tyrone) (UUP): Is the hon. Gentleman suggesting that if article 50 is triggered we will no longer have InterTradeIreland, Waterways Ireland, Tourism Ireland, and the six bodies that were set up by the Belfast agreement? I do not see any threat to them from triggering article 50.

Mark Durkan: I point out to the hon. Gentleman that it was his party that said, “If we are going to go ahead and agree these implementation bodies, the cover has to be that the way in which we can show that they meet our test of mutual benefit is that they deal with matters that largely transpose EU business and involve questions of common compliance.” There is the Food Standards Agency, and Waterways Ireland and the Loughs Agency have some environmental compliance issues—and of course there is also the question of EU funding. As the hon. Member for St Helens North said, the role of the Special EU Programmes Body is not going to exist if no common EU funding is to be available any more.

If the rationale and justification for the existing bodies is wounded and weakened, those of us who negotiated and supported the agreement have the right to say, “We’ve already had nearly 20 years of this limited area of implementation co-operation. It now needs to be developed and expanded as the agreement promised it could be.” If the existing bodies are wounded and winged by the fact of Brexit, and if they limp along and struggle for relevance, clearly there must be—in the context of a review at least of strand 2, if not the wider agreement—negotiations on new bodies. Those negotiations, as we know, will not find themselves unlinked to other issues and factors as well. Some hon. Members have hummed to themselves that Brexit has no implications for the Good Friday agreement, and that as long as they say that they will consult Ministers and that they do not want border posts, no other damage has been done. They do not understand the politics that went into the agreement, and they do not understand the politics that will upset the workings of that agreement because of the implications of Brexit.

That is why if people have a care for the Good Friday agreement, they should have no problem with amendment 86. If people vote against amendment 86 on Wednesday, they will be voting against the idea that we can have the Good Friday agreement at the same time as pursuing Brexit.

Several hon. Members *rose*—

The Temporary Chair (Sir Roger Gale): Order. I have no power to impose time limits on Committee stage debates. A lot of Members wish to speak. Back-Bench contributions to this debate will have to end at 11.45 pm

to allow the Front Benchers any time at all to wind up. It is patently obvious that not all Members are going to get in. I urge extreme brevity, please.

Charlie Elphicke: It is a pleasure to speak under your chairmanship, Sir Roger, and to follow the hon. Member for Foyle (Mark Durkan). Whenever he speaks, he gives us an interesting perspective on how politics is going in Northern Ireland. It seems to me that Sinn Féin might be doing slightly well at the moment.

We are talking about a matter that is important not just for Northern Ireland but for the whole United Kingdom, and I particularly want to address new clause 4. My right hon. Friend the Member for Forest of Dean (Mr Harper) set out cogently the lack of consensus in respect of the devolved Administrations. The drafters and presenters of the new clause know very well that consensus is almost impossible to achieve, as the shadow Minister admitted.

Less focus has been given to subsection (1). The new clause would operate after article 50 has been triggered. The risk is that having triggered article 50, negotiated with the European Union and thought that we had a deal, the machinery might prevent us from closing that deal. The new clause might have the unintended consequence of making any deal hard to achieve, because it contains a whole mechanism for having two months before signing any agreements and needing to seek to achieve consensus before entering any agreements.

The best way forward is to have a clean Brexit with a clean Bill that simply puts article 50 through and lets the Government get on with it. The Government have already said that they are going to involve the House in what is happening and in the negotiations. It is a United Kingdom reserved matter and a United Kingdom decision, and it would be wrong, as a matter of principle, for this important negotiation and decision to be hamstrung by the risk that consensus could not be achieved.

Susan Elan Jones (Clwyd South) (Lab): We have already spoken about the validity of the devolved Administrations in issues relating to the European Union. Does the hon. Gentleman not respect the existence of the devolved Administrations, elected as they were by referendum? Does he not recognise that new clause 4 is a very moderate clause, and that consensus should be sought? Why are the Government seeking to oppose it?

Charlie Elphicke: Of course I respect the devolved Administrations. I respect the constituent nations of this country, I respect my constituents and I respect the fact that the people of Wales voted to leave the European Union. It is important that referendums that take place in this nation are respected. That goes for the Scottish nationalist party as well, which disrespects every single referendum.

Ian Blackford *rose*—

Charlie Elphicke: I say to the hon. Gentleman before I give way to him that he should calm himself. He jumps up and down with such vigour that he will do himself harm.

Ian Blackford: Does the hon. Gentleman not recognise that 62% of people in Scotland voted to remain in Europe? If he respects the nation and the people of

Scotland, why do the Government that he supports not compromise with the Scottish people and the Scottish Government and allow us to achieve what we voted for, which is to remain in the single market?

Charlie Elphicke: The hon. Gentleman should know that the biggest single market that Scotland is part of is the United Kingdom; that is its biggest single market. *[Interruption.]* Some Members are telling me to answer the question, so let us look at the record of the Scottish nationalists when it comes to referendums. In No. 1, the alternative vote referendum, they backed a yes vote and they lost. They will not respect that. In No. 2, they backed an independence referendum—they lost. They will not respect that either. In No. 3, they fought on the United Kingdom-wide referendum we have just had—it covered the United Kingdom that the people of Scotland voted to remain a part of—and they will not respect its outcome. Now, they are blustering that they will have another independence referendum, even though over half the people of Scotland say they do not want one, and although they know they will lose it by the same margin as they lost it last time.

11.30 pm

Alex Salmond: May I tell the hon. Gentleman that I think his memory is faulty on the AV referendum? It was on the same day as the Scottish parliamentary elections in 2011—understandably, we were concentrating on them—when the SNP won an overall majority under a proportional system.

Charlie Elphicke: The right hon. Gentleman likes to talk about the elections to the Scottish Parliament, but we are discussing the referendums of this country.

Michael Gove: On a point of order, Sir Roger. Immediately preceding the intervention by the right hon. Member for Gordon (Alex Salmond), his neighbour the hon. Member for Rutherglen and Hamilton West (Margaret Ferrier) sought to intervene, but he moved to tell her to sit down so that he might intervene instead. Is such sexist behaviour in order in this Committee?

The Temporary Chair (Sir Roger Gale): Happily, as the right hon. Gentleman knows, that is not a matter for the Chair.

Charlie Elphicke: I want to conclude my remarks by saying that it is high time the Labour party respected the fact that the people of Wales and the people of England voted to leave the European Union, it is high time that the Scottish National party respected a referendum—it has, despite the interesting explanation given by its former leader, disrespected three referendums—and it is high time that we have a clean Brexit with a clean Bill and that we send the Bill to the House of Lords unamended.

Seema Malhotra: I am grateful for the chance to speak in this important debate about how we can engage more with the devolved Administrations and legislatures in relation to our future discussions and negotiations.

I want to speak to my new clause 168, which calls on the Government to establish a new national convention to advise Her Majesty's Government on their priorities

during negotiations with the EU on the terms of the UK's withdrawal from the EU. It calls on Ministers of the Crown to take into account the views of the national convention before signing any agreements with the European Commission on the terms of the UK's withdrawal from the EU. I propose that the national convention should convene representatives from across different levels of government, the regions—including, in case anybody has missed this, all the English regions—and various sectors to meet and produce a report recommending negotiating priorities that would better reflect the needs of the regions of the UK.

Dame Rosie Winterton: Does my hon. Friend agree that the Secretary of State for Brexit said there would be some kind of meeting in York, where the Government would bring together representatives of the regions. That was some time ago, and since then we have heard nothing about it. That would fit in completely with her idea of a national convention, so it would be helpful if the Minister put some flesh on the bones of what the Secretary of State was talking about.

Seema Malhotra: My right hon. Friend makes a very important point. Indeed, the lack of engagement with the regions has been highlighted in the work of the Exiting the European Union Committee.

Catherine McKinnell (Newcastle upon Tyne North) (Lab): The Secretary of State actually said that he would get

"the mayors of the north to come and have a meeting in York".—*[Official Report, 17 January 2017; Vol. 619, c. 802.]*

That was a very vague statement. My concern is that it does not seem to provide any clarity about how the Government are going to engage with regions that will not have elected Mayors by May, such as the north-east. Indeed, such Mayors will be elected only in May, which will be far too late for these negotiations.

Seema Malhotra: My hon. Friend makes a very important point. It comes down to how much the Government are really committed to and interested in hearing from differing voices across the country as we move forward. That is why I want the convention to include elected Mayors, representatives of civil society and local government, and MEPs—they have great expertise and experience—as well as representatives of the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly.

Anna Soubry: Will the hon. Lady give way?

Seema Malhotra: I will make some progress first.

The national convention would include a wider set of voices, each with an important contribution to make to the debate, including universities and higher education representatives, business organisations, trade unions, trade bodies and other representatives of different sectors.

The referendum demonstrated the alienation that many people feel from politics as a whole. The result showed a nation split down the middle. Seven out of 10 18 to 24-year-olds voted remain, while two thirds of over-65s voted leave. Cities tended to vote remain, while small

[Seema Malhotra]

towns and rural areas tended to vote leave. England and Wales voted leave, while Scotland and Northern Ireland voted remain.

Anna Soubry: The hon. Lady says that Members of the European Parliament would sit in the national convention. Does that include Mr Nigel Farage?

Seema Malhotra: We need to have a way in which the expertise of our many long-standing Members of the European Parliament can be shared with the nation. I am not saying that I would have one or the other. What is important is that there is a continuing dialogue and that we engage the nations and the regions across the country in a far more diverse debate than we are currently having.

Sammy Wilson: Will the hon. Lady give way?

Seema Malhotra: I will make some progress, because we have only a few moments left and other Members wish to speak.

Yesterday in my constituency, I held a roundtable with people who voted leave and those who voted remain, from people in their 20s to those in their 80s. It was a useful discussion that engaged people in the choices and dilemmas ahead. They said why they voted leave or remain. Their reasons included the commitment of £350 million for the NHS, housing and immigration, particularly opening up immigration from non-EU countries, including Commonwealth countries. Many felt that they did not understand the implications of Brexit, nor what the risks might be.

Sir William Cash: Will the hon. Lady give way?

Seema Malhotra: I am afraid that we are running short of time.

People wanted more information and more debate. One person even asked me what article 50 was. The level of understanding is very low and it is vital that we continue to engage people. People had a vote in a referendum, but going forward there is no forum for people to understand and engage in the journey we are on.

The national convention that I propose would fill an important gap. It would give English cities and regions a voice alongside Scotland, Wales and Northern Ireland in a strong national conversation about where we go next. It would recognise and harness the expertise of our councillors and the vast experience and expertise of many other sectors and, yes, our MEPs.

Brexit will have different effects on different communities, sectors, regions and nations. The needs of farmers in Cornwall will be different from those of the nuclear industry in Cumbria, the media and tech sectors in Manchester, the financial services in Scotland and London, and car manufacturing in the north-east. Those differences should be shared and those needs should be understood in a public forum. In evidence to the Exiting the European Union Committee, on which I sit, the Secretary of State for Exiting the European Union admitted that not enough had yet been done on regional engagement.

Many of us were deeply disappointed with the quality of the referendum debate. The setting up of the national convention would inform and shape a mature national debate during the negotiation period and help to unite the country. New clause 168 is an opportunity and a test for the Government. If they are serious about a Brexit that works for everyone, they should welcome this opportunity to take the discussion out of Whitehall and engage the country.

Sammy Wilson: Can the hon. Lady clear something up for me? She is proposing a national assembly, the purpose of which is to advise Her Majesty's Government on their priorities, and its report would not be received, according to proposed subsection (7), for 15 months. Is she saying that we wait 15 months—in which case she wants simply to delay—or is she saying that the report would come after the negotiations are over?

Seema Malhotra: Perhaps I can clear this up. The maximum time is to encourage engagement over the period of the negotiations, assuming that they last for two years. This is a process to engage the regions and nations far more effectively in a national conversation. If there is one thing that this debate and the referendum outcome have taught us, it is that people want to be listened to.

Joanna Cherry: I rise to speak in support of amendment 46, which stands in my name and that of my hon. Friends, but before that I would like to take the opportunity to thank Conservative Members who have spoken this evening for their quite extraordinary display of hubris and contempt towards amendments, laid by several different parties, that simply seek to make sure that the reality of the modern British constitution and devolved settlement is respected. Those of us who believe that Scotland would be better off managing its own affairs as an independent member of the EU will have received a huge boost this evening from their behaviour. It was a pleasure to listen to the speech of the hon. Member for Foyle (Mark Durkan). I am sure he will forgive me if I say that I suspect that the cause of a united Ireland has also received a boost this evening. I very much hope so.

I will be brief so that others from my party might have a chance to speak. The purpose of amendment 46 is to require the Prime Minister to obtain the legislative consent of the Scottish Parliament, the Welsh Assembly and the Northern Irish Assembly before she triggers article 50. It is a pleasure to have the opportunity to correct the hon. Member for North West Cambridgeshire (Mr Vara) and his woeful misunderstanding of what the Supreme Court did and did not say in relation to legislative consent motions. It said that, as currently framed in the Scotland Act, they are not legally enforceable. It did not say that they had no meaning whatsoever. The hon. Member for Foyle quoted paragraph 151 of the judgment, and I very much suggest that Conservative Members read the judgment, rather than simply taking from it what they want. It said:

“The Sewel Convention has an important role in facilitating harmonious relationships between the UK parliament and the devolved legislatures. But the policing of its scope and the manner of its operation does not lie within the constitutional remit of the judiciary”.

Mr Vara *rose*—

Joanna Cherry: I am not going to give way. I am going to—

The Chairman of Ways and Means (Mr Lindsay Hoyle):

Order. I ask the hon. and learned Lady to take her seat. I have been very kind in bringing in the SNP, and I ask that she not take advantage of the time—*[Interruption.]* Order. I wanted to share the time, so I hope that she is coming to an end, so that we can get one more speaker in, as I promised I would do by allowing her to speak.

Joanna Cherry: The purpose of the amendment is to require the Government to do what they said they would do when they introduced the Scotland Act, which was to make the Scottish Parliament the most powerful devolved Parliament in the world, and give it a say in a process that will fundamentally affect the rights of Scottish citizens and Scottish business. *[Interruption.]* I noted that Government Members were given as much time as they wanted to make their points, and I intend to take as much time, as is my right, to make my points.

The Chairman of Ways and Means (Mr Lindsay Hoyle):

Order. I think that the hon. and learned Lady's speech has come to an end. Let us now please hear from the Minister.

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): Thank you, Mr Hoyle. *[Interruption.]*

The Chairman: Mr Salmond, you should know better. *[Interruption.]* Order. One second.

11.45 pm

Alex Salmond: On a point of order, Mr Hoyle. It is clear that my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry) had not resumed her seat, Sir. Being in the Chair accords you many privileges, but you cannot reinterpret the wishes of an hon. Member who is on her feet.

The Chairman: As the occupant of the Chair, I have the right to make decisions in this Committee. *[Interruption.]* Just a moment. I rightly wanted to bring in the hon. and learned Lady, which I did. When the SNP Whip comes and asks me to give a couple of minutes to ensure that the SNP has another voice, which I did, I certainly do not expect advantages to be taken of the Chair on the agreement that I met. That is the issue. Sit down.

Mr Walker: Thank you for your chairing of this debate, Mr Hoyle. *[Interruption.]*

The Chairman: Order. Calm down, Mr Wishart. This is a very serious matter. It is so serious that I want to hear what the Minister has to say in response to the debate. It is very serious and I want to hear it.

Mr Walker: This is a hugely important debate. *[Interruption.]*

The Chairman: Order. Mr Salmond, will you clarify something for me?

Alex Salmond: Other Members have been making their contributions without any admonition from the Chair.

The Chairman: Order. Tempers are running quite high. We need to calm it down. In fairness, I have been very generous in coming into the Chair—*[Interruption.]* Mr Wishart, we do not need any extra help for the moment. Let me say that I want to hear, and Mr Salmond would expect to hear, what the Minister has to say in response to the opening speeches. I believe Mr Salmond would have wanted answers. The fact is that this Committee wants to hear what the Minister has to say. The last thing I wanted to do was to take up time dealing with points of order. In the end, if we do that, we will not hear from the Minister. I understand that you, Mr Salmond, may have used some unparliamentary language to me, but I am sure that you are not that kind of person and I am sure you did not do so.

Alex Salmond: I did not.

The Chairman: I am saying that I am sure that was not the case. I did not accuse you; far from it. Let us now get the Minister on his feet.

Mr Walker: Thank you, Mr Hoyle.

We have heard from all four corners of the United Kingdom. *[Interruption.]* Everyone who has spoken in the debate agrees on the importance of engaging closely with the devolved Administrations and legislatures as we embark on the forthcoming negotiations.

Ian Blackford: On a point of order, Mr Hoyle. I have to say that I have great respect for you as the Chairman, but I hope you can understand the frustration that we all feel that only two SNP Members have been called to speak in this debate, which is important for the future of Scotland and our position within Europe. I am asking what you can do, Mr Hoyle, to make sure that the voice of the people of Scotland is heard correctly in this debate. It has not been heard this evening.

The Chairman: I assumed my place in the Chair, and I have tried to ensure that a second SNP voice was heard, and we were listening to that. That is what I agreed to, and that is what I have done. In fairness, I think the SNP has done better than it was going to otherwise, in which case, let us hear what the Minister has to say.

Mr Walker: Engaging with the devolved Administrations and discussing their priorities is exactly what the Joint Ministerial Council on EU Negotiations was set up for. It brings together the constituent parts of the United Kingdom to discuss each Government's requirement for the future relationship with the EU, and to seek a UK approach to and objectives for article 50 negotiations.

I recognise the spirit in which the hon. Member for Darlington (Jenny Chapman) presented her new clause, and I recognise her and her party's dedication to the Union. However, the JMC is not a legislative or statutory body, and it would not be appropriate to change that in the way new clause 4 proposes. I say that not only for the reasons given by my right hon. Friends the Members for Forest of Dean (Mr Harper) and for West Dorset (Sir Oliver Letwin) and my hon. Friend the Member for

[Mr Robin Walker]

Dover (Charlie Elphicke), but because it provides a neutral forum for confidential discussions, which this new clause would undermine.

When it comes to the new clauses and amendments, we take very seriously our responsibility to ensure that we get the best deal for every part of the United Kingdom—Scotland, Wales, Northern Ireland and indeed, as my right hon. Friend the Member for Wokingham (John Redwood) said, England—as well as for the UK as a whole.

Ian Murray rose—

Mr Walker: I will give way to the hon. Gentleman, but I can give way only once.

Ian Murray: I am delighted that the Minister has been able to give way. I wonder whether he and other Ministers will take it on board that Members who tabled amendments in all good faith have not even been able to speak to them because of the programme motion tabled by the Government. The Government have been forced kicking and screaming by the Supreme Court to the Chamber to present the Bill. It is about time that they thought again, and gave us more time for debate

Mr Walker: The House voted for a programme Order, and that programme Order has been followed by the Chair.

We have not yet made final decisions about the format for direct negotiations with the European Union. That is a matter for the Prime Minister, representing the interests of the whole United Kingdom. Moreover, it is important to recognise that there are two sides to the negotiation, and we cannot say for certain how our side will progress until we know how the EU side will approach it. In the context of amendments 46, 55 and 88 and new clause 140, it is important to note that Supreme Court ruled—I quote from the summary—

“Relations with the EU and other foreign affairs matters are reserved to UK Government and parliament, not to the devolved institutions.”

The summary went on to state:

“The devolved legislatures do not have a veto on the UK’s decision to withdraw from the EU”.

While that provides welcome legal clarity, it in no way diminishes our commitment to working closely with the people and the devolved Administrations of Wales, Scotland and Northern Ireland as we move towards our withdrawal from the European Union.

I have made it clear that the Government will negotiate on the right approach for the whole United Kingdom. I pay tribute to the hon. Member for St Helens North (Conor McGinn), who made a passionate speech, and to the hon. Member for Foyle (Mark Durkan). They made important points about the significance of the Belfast agreement and its successors. I must emphasise to them that the position of the UK Government remains unchanged. Our absolute commitment to those matters is reflected in our White Paper, which mentions the Ireland Act 1949, as well as a commitment to the common travel area and our bilateral relations with the Republic of Ireland. While I accept all the points that the hon. Member for St Helens North made so well

about the importance of respecting those agreements, I can assure him that the Government respect them, and I do not think that his new clauses are necessary.

We have heard a range of suggestions from Members on both sides of the House about how to engage the devolved Administrations and, indeed, every part of our United Kingdom. The Government will continue to do that through the JMC process, which is firmly established and which functions on the basis of agreement between the UK Government and the devolved Assemblies. We have also heard suggestions for huge constitutional reforms which are beyond the scope of the Bill. New clause 168 proposes that the Government establish a national convention on exiting the European Union. Amendment 91 requires a duty to consult representatives at every level of government, regions and the sectors.

I have already spoken about the role of the JMC, and Ministers throughout the Government are organising hundreds of meetings, visits and events involving businesses in more than 50 sectors across the United Kingdom. They are consulting a number of representatives, including the Mayor of London, who is mentioned in some of the amendments. New clause 168 would get in the way of those established processes, and the idea of a national convention would cause unacceptable delay to a timetable that the House has clearly supported.

We are committed to engaging closely with the devolved Administrations and all parts of the country to secure a deal that is in the best interests of the whole United Kingdom. However, as the Supreme Court ruled, relations with the EU are not a devolved matter, and no part of the UK is entitled to a veto. I urge Members not to press their new clauses and amendments, so that the Bill can make progress in the interests of the United Kingdom as a whole.

Jenny Chapman: The Minister opened his remarks by saying that the JMC was not on a statutory footing. That is precisely the point of our new clause. He has given us warm words and platitudes about his respect for the devolved Administrations, but I am afraid they are not enough, and we will press the new clause to a Division.

Ian Murray: Given that we have not reached the moment of interruption, Mr Hoyle, may I move new clauses 23 and 24 and amendment 8, which stand in my name?

The Chairman: Unfortunately not.

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

The Committee divided: Ayes 276, Noes 333.

Division No. 138]

[11.54 pm

AYES

Abbott, Ms Diane	Austin, Ian
Abrahams, Debbie	Bailey, Mr Adrian
Ahmed-Sheikh, Ms Tasmina	Bardell, Hannah
Alexander, Heidi	Barron, rh Sir Kevin
Ali, Rushanara	Beckett, rh Margaret
Allin-Khan, Dr Rosena	Benn, rh Hilary
Anderson, Mr David	Berger, Luciana
Arkless, Richard	Betts, Mr Clive
Ashworth, Jonathan	Black, Mhairi

Blackford, Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blenkinsop, Tom
Blomfield, Paul
Boswell, Philip
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burgon, Richard
Burnham, rh Andy
Butler, Dawn
Byrne, rh Liam
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Douglas
Chapman, Jenny
Cherry, Joanna
Clegg, rh Mr Nick
Coaker, Vernon
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Crausby, Sir David
Crawley, Angela
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Dakin, Nic
Danczuk, Simon
David, Wayne
Davies, Geraint
Day, Martyn
De Piero, Gloria
Docherty-Hughes, Martin
Donaldson, Stuart Blair
Doughty, Stephen
Dowd, Jim
Dowd, Peter
Dromey, Jack
Dugher, Michael
Durkan, Mark
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Ellman, Mrs Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farrelly, Paul
Farron, Tim
Fellows, Marion
Ferrier, Margaret

Fleelo, Robert
Fletcher, Colleen
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Foxcroft, Vicky
Furniss, Gill
Gapes, Mike
Gardiner, Barry
Gethins, Stephen
Gibson, Patricia
Glendon, Mary
Goodman, Helen
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Griffith, Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hanson, rh Mr David
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendrick, Mr Mark
Hendry, Drew
Hepburn, Mr Stephen
Hermon, Lady
Hillier, Meg
Hodgson, Mrs Sharon
Hollern, Kate
Hosie, Stewart
Huq, Dr Rupa
Hussain, Imran
Jarvis, Dan
Johnson, rh Alan
Johnson, Diana
Jones, Gerald
Jones, Graham
Jones, Mr Kevan
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Kerevan, George
Kerr, Calum
Kinnock, Stephen
Kyle, Peter
Lamb, rh Norman
Lammy, rh Mr David
Lavery, Ian
Law, Chris
Leslie, Chris
Lewell-Buck, Mrs Emma
Lewis, Clive
Lewis, Mr Ivan
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marris, Rob
Marsden, Gordon
Maskell, Rachael

Matheson, Christian
Mc Nally, John
McCabe, Steve
McCaig, Callum
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, Dr Alasdair
McDonnell, rh John
McFadden, rh Mr Pat
McGarry, Natalie
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McLaughlin, Anne
McMahon, Jim
Meale, Sir Alan
Miliband, rh Edward
Monaghan, Carol
Monaghan, Dr Paul
Moon, Mrs Madeleine
Morden, Jessica
Mulholland, Greg
Mullin, Roger
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Nicolson, John
O'Hara, Brendan
Olney, Sarah
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Oswald, Kirsten
Owen, Albert
Paterson, Steven
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Pound, Stephen
Powell, Lucy
Pugh, John
Qureshi, Yasmin
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Marie
Ritchie, Ms Margaret
Robertson, rh Angus
Robinson, Mr Geoffrey
Rotheram, Steve

Ryan, rh Joan
Salmond, rh Alex
Saville Roberts, Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, rh Mr Andrew
Smith, Cat
Smith, Nick
Smith, Owen
Smyth, Karin
Spellar, rh Mr John
Starmar, Keir
Stephens, Chris
Stevens, Jo
Streeting, Wes
Tami, Mark
Thewliss, Alison
Thomas, Mr Gareth
Thomas-Symonds, Nick
Thompson, Owen
Thomson, Michelle
Thornberry, Emily
Timms, rh Stephen
Trickett, Jon
Turley, Anna
Turner, Karl
Twigg, Derek
Twigg, Stephen
Umunna, Mr Chuka
Vaz, rh Keith
Vaz, Valerie
Watson, Mr Tom
Weir, Mike
West, Catherine
Whiteford, Dr Eilidh
Whitehead, Dr Alan
Whitford, Dr Philippa
Williams, Hywel
Williams, Mr Mark
Wilson, Corri
Wilson, Phil
Winnick, Mr David
Winterton, rh Dame Rosie
Wishart, Pete
Woodcock, John
Wright, Mr Iain
Zeichner, Daniel

Tellers for the Ayes:
Jeff Smith and
Thangam Debbonaire

NOES

Bacon, Mr Richard
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Barwell, Gavin
Bebb, Guto
Bellingham, Sir Henry
Benyon, Richard
Beresford, Sir Paul

Berry, Jake	Eustice, George	Jenkyns, Andrea	Osborne, rh Mr George
Berry, James	Evans, Graham	Jenrick, Robert	Paisley, Ian
Bingham, Andrew	Evans, Mr Nigel	Johnson, rh Boris	Parish, Neil
Blackman, Bob	Evennett, rh David	Johnson, Dr Caroline	Patel, rh Priti
Blackwood, Nicola	Fabricant, Michael	Johnson, Gareth	Paterson, rh Mr Owen
Blunt, Crispin	Fallon, rh Sir Michael	Johnson, Joseph	Pawsey, Mark
Bone, Mr Peter	Fernandes, Suella	Jones, Andrew	Penning, rh Mike
Borwick, Victoria	Field, rh Mark	Jones, rh Mr David	Penrose, John
Bottomley, Sir Peter	Foster, Kevin	Jones, Mr Marcus	Percy, Andrew
Bradley, rh Karen	Fox, rh Dr Liam	Kawczynski, Daniel	Perry, Claire
Brady, Mr Graham	Francois, rh Mr Mark	Kennedy, Seema	Philp, Chris
Brazier, Sir Julian	Frazer, Lucy	Kinahan, Danny	Pickles, rh Sir Eric
Bridgen, Andrew	Freeman, George	Kirby, Simon	Pincher, Christopher
Brine, Steve	Freer, Mike	Knight, rh Sir Greg	Poulter, Dr Daniel
Brokenshire, rh James	Fuller, Richard	Knight, Julian	Pow, Rebecca
Bruce, Fiona	Fysh, Marcus	Kwarteng, Kwasi	Prentis, Victoria
Buckland, Robert	Garnier, rh Sir Edward	Lancaster, Mark	Prisk, Mr Mark
Burns, Conor	Garnier, Mark	Latham, Pauline	Pritchard, Mark
Burns, rh Sir Simon	Gauke, rh Mr David	Leadsom, rh Andrea	Pursglove, Tom
Burrowes, Mr David	Ghani, Nusrat	Lee, Dr Phillip	Quin, Jeremy
Burt, rh Alistair	Gibb, rh Mr Nick	Lefroy, Jeremy	Quince, Will
Cairns, rh Alun	Gillan, rh Mrs Cheryl	Leigh, Sir Edward	Raab, Mr Dominic
Campbell, Mr Gregory	Glen, John	Leslie, Charlotte	Redwood, rh John
Campbell, Mr Ronnie	Goodwill, Mr Robert	Letwin, rh Sir Oliver	Rees-Mogg, Mr Jacob
Carmichael, Neil	Gove, rh Michael	Lewis, rh Brandon	Robertson, Mr Laurence
Carswell, Mr Douglas	Graham, Richard	Lewis, rh Dr Julian	Robinson, Mary
Cartlidge, James	Grant, Mrs Helen	Liddell-Grainger, Mr Ian	Rosindell, Andrew
Cash, Sir William	Gray, Mr James	Lidington, rh Mr David	Rudd, rh Amber
Caulfield, Maria	Grayling, rh Chris	Lilley, rh Mr Peter	Rutley, David
Chalk, Alex	Green, Chris	Lopresti, Jack	Sandbach, Antoinette
Chishti, Rehman	Green, rh Damian	Lord, Jonathan	Scully, Paul
Chope, Mr Christopher	Greening, rh Justine	Loughton, Tim	Selous, Andrew
Churchill, Jo	Grieve, rh Mr Dominic	Lumley, Karen	Shannon, Jim
Clark, rh Greg	Griffiths, Andrew	Mackinlay, Craig	Shapps, rh Grant
Cleverly, James	Gummer, rh Ben	Mackintosh, David	Sharma, Alok
Clifton-Brown, Geoffrey	Gyimah, Mr Sam	Main, Mrs Anne	Shelbrooke, Alec
Coffey, Dr Thérèse	Halfon, rh Robert	Mak, Mr Alan	Simpson, David
Collins, Damian	Hall, Luke	Malthouse, Kit	Simpson, rh Mr Keith
Colville, Oliver	Hammond, rh Mr Philip	Mann, Scott	Skidmore, Chris
Costa, Alberto	Hammond, Stephen	Mathias, Dr Tania	Smith, Chloe
Courts, Robert	Hancock, rh Matt	May, rh Mrs Theresa	Smith, Henry
Cox, Mr Geoffrey	Hands, rh Greg	Maynard, Paul	Smith, Julian
Crabb, rh Stephen	Harper, rh Mr Mark	McCartney, Jason	Smith, Royston
Crouch, Tracey	Harrington, Richard	McCartney, Karl	Soames, rh Sir Nicholas
Davies, Byron	Harris, Rebecca	McLoughlin, rh Sir Patrick	Solloway, Amanda
Davies, Chris	Hart, Simon	McPartland, Stephen	Soubry, rh Anna
Davies, David T. C.	Haselhurst, rh Sir Alan	Menzies, Mark	Spelman, rh Dame Caroline
Davies, Glyn	Hayes, rh Mr John	Mercer, Johnny	Stephenson, Andrew
Davies, Dr James	Heald, rh Sir Oliver	Merriman, Huw	Stevenson, John
Davies, Mims	Heapey, James	Metcalfe, Stephen	Stewart, Bob
Davies, Philip	Heaton-Harris, Chris	Miller, rh Mrs Maria	Stewart, Iain
Davis, rh Mr David	Heaton-Jones, Peter	Milling, Amanda	Stewart, Rory
Dinenage, Caroline	Henderson, Gordon	Mills, Nigel	Streeter, Mr Gary
Djanogly, Mr Jonathan	Hinds, Damian	Milton, rh Anne	Stride, Mel
Dodds, rh Mr Nigel	Hoare, Simon	Mitchell, rh Mr Andrew	Stuart, rh Ms Gisela
Donaldson, rh Sir Jeffrey M.	Hollingbery, George	Mordaunt, Penny	Sturdy, Julian
Donelan, Michelle	Hollinrake, Kevin	Morgan, rh Nicky	Sunak, Rishi
Double, Steve	Hollobone, Mr Philip	Morris, Anne Marie	Swayne, rh Sir Desmond
Dowden, Oliver	Holloway, Mr Adam	Morris, David	Swire, rh Sir Hugo
Doyle-Price, Jackie	Hopkins, Kris	Morris, James	Syms, Mr Robert
Drax, Richard	Howarth, Sir Gerald	Morton, Wendy	Thomas, Derek
Drummond, Mrs Flick	Howell, John	Mowat, David	Throup, Maggie
Duddridge, James	Howlett, Ben	Mundell, rh David	Timpson, Edward
Duncan, rh Sir Alan	Huddleston, Nigel	Murray, Mrs Sheryll	Tolhurst, Kelly
Duncan Smith, rh Mr Iain	Hunt, rh Mr Jeremy	Murrison, Dr Andrew	Tomlinson, Justin
Dunne, Mr Philip	Hurd, Mr Nick	Neill, Robert	Tomlinson, Michael
Elliott, Tom	Hurd, Mr Nick	Newton, Sarah	Tracey, Craig
Ellis, Michael	Jackson, Mr Stewart	Nokes, Caroline	Tredinnick, David
Ellison, Jane	James, Margot	Norman, Jesse	Trevelyan, Mrs Anne-Marie
Ellwood, Mr Tobias	Javid, rh Sajid	Nuttall, Mr David	Truss, rh Elizabeth
Elphicke, Charlie	Jayawardena, Mr Ranil	Offord, Dr Matthew	Tugendhat, Tom
	Jenkin, Mr Bernard	Opperman, Guy	Turner, Mr Andrew

Vaizey, rh Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Mrs Theresa
 Walker, Mr Charles
 Walker, Mr Robin
 Wallace, Mr Ben
 Warburton, David
 Warman, Matt
 Watkinson, Dame Angela
 Wharton, James
 Whately, Helen
 Wheeler, Heather
 White, Chris

Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williams, Craig
 Williamson, rh Gavin
 Wilson, Mr Rob
 Wilson, Sammy
 Wollaston, Dr Sarah
 Wragg, William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
Mark Spencer and
Graham Stuart

Question accordingly negatived.

12.7 am

More than seven hours having elapsed since the commencement of proceedings, the proceedings were interrupted (Programme Order, 1 February).

The Chair put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83D).

New Clause 26

AGREEMENT OF THE JOINT MINISTERIAL COMMITTEE ON EUROPEAN NEGOTIATION

“The Prime Minister may not exercise the power under section 1(1) until at least one month after all members of the Joint Ministerial Committee on European Negotiation have agreed a UK wide approach to, and objectives for, the UK’s negotiations for withdrawal from the EU.”—(*Ms Ahmed-Sheikh.*)

Brought up.

Question put, That the clause be added to the Bill.

The Committee divided: Ayes 62, Noes 333.

Division No. 139]

[12.07 am

AYES

Ahmed-Sheikh, Ms Tasmina
 Arkless, Richard
 Bardell, Hannah
 Black, Mhairi
 Blackford, Ian
 Blackman, Kirsty
 Boswell, Philip
 Brock, Deidre
 Brown, Alan
 Cameron, Dr Lisa
 Chapman, Douglas
 Cherry, Joanna
 Cowan, Ronnie
 Crowley, Angela
 Day, Martyn
 Docherty-Hughes, Martin
 Donaldson, Stuart Blair
 Durkan, Mark
 Edwards, Jonathan
 Farrelly, Paul
 Ferrier, Margaret
 Gethins, Stephen
 Gibson, Patricia
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Hendry, Drew

Hosie, Stewart
 Kerevan, George
 Kerr, Calum
 Law, Chris
 Lucas, Caroline
 Mc Nally, John
 McCaig, Callum
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, Dr Alasdair
 McGarry, Natalie
 McLaughlin, Anne
 Monaghan, Carol
 Monaghan, Dr Paul
 Mullin, Roger
 Newlands, Gavin
 Nicolson, John
 O’Hara, Brendan
 Oswald, Kirsten
 Paterson, Steven
 Ritchie, Ms Margaret
 Robertson, rh Angus
 Salmond, rh Alex
 Saville Roberts, Liz
 Sheppard, Tommy
 Stephens, Chris
 Thewliss, Alison

Thomson, Michelle
 Vaz, rh Keith
 Weir, Mike
 Whiteford, Dr Eilidh
 Whitford, Dr Philippa
 Williams, Hywel

Wilson, Corri
 Wishart, Pete

Tellers for the Ayes:
Marion Fellows and
Owen Thompson

NOES

Adams, Nigel
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Amess, Sir David
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Baron, Mr John
 Barwell, Gavin
 Bebb, Guto
 Bellingham, Sir Henry
 Benyon, Richard
 Beresford, Sir Paul
 Berry, Jake
 Berry, James
 Bingham, Andrew
 Blackman, Bob
 Blackwood, Nicola
 Blunt, Crispin
 Bone, Mr Peter
 Borwick, Victoria
 Bottomley, Sir Peter
 Bradley, rh Karen
 Brady, Mr Graham
 Brazier, Sir Julian
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burns, Conor
 Burns, rh Sir Simon
 Burrowes, Mr David
 Burt, rh Alistair
 Cairns, rh Alun
 Campbell, Mr Gregory
 Carmichael, Neil
 Carswell, Mr Douglas
 Cartlidge, James
 Cash, Sir William
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, rh Greg
 Cleverly, James
 Clifton-Brown, Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Colville, Oliver
 Costa, Alberto
 Courts, Robert
 Cox, Mr Geoffrey
 Crabb, rh Stephen
 Crouch, Tracey

Davies, Byron
 Davies, Chris
 Davies, David T. C.
 Davies, Glyn
 Davies, Dr James
 Davies, Mims
 Davies, Philip
 Davis, rh Mr David
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Dodds, rh Mr Nigel
 Donaldson, rh Sir Jeffrey M.
 Donelan, Michelle
 Dorries, Nadine
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duddridge, James
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Elliott, Tom
 Ellis, Michael
 Ellison, Jane
 Ellwood, Mr Tobias
 Elphicke, Charlie
 Eustice, George
 Evans, Graham
 Evans, Mr Nigel
 Evennett, rh David
 Fabricant, Michael
 Fallon, rh Sir Michael
 Fernandes, Suella
 Field, rh Mark
 Foster, Kevin
 Fox, rh Dr Liam
 Francois, rh Mr Mark
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fuller, Richard
 Fysh, Marcus
 Garnier, rh Sir Edward
 Garnier, Mark
 Gauke, rh Mr David
 Ghani, Nusrat
 Gibb, rh Mr Nick
 Gillan, rh Mrs Cheryl
 Glen, John
 Goodwill, Mr Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Gray, Mr James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Grieve, rh Mr Dominic
 Griffiths, Andrew
 Gummer, rh Ben

Gyimah, Mr Sam
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Hart, Simon
Haselhurst, rh Sir Alan
Hayes, rh Mr John
Heald, rh Sir Oliver
Heapey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Hinds, Damian
Hoare, Simon
Hoey, Kate
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Mr Adam
Hopkins, Kris
Howarth, Sir Gerald
Howell, John
Howlett, Ben
Huddleston, Nigel
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jackson, Mr Stewart
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenkyns, Andrea
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Kennedy, Seema
Kinahan, Danny
Kirby, Simon
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lancaster, Mark
Latham, Pauline
Leadsom, rh Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, Sir Edward
Leslie, Charlotte
Letwin, rh Sir Oliver
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Lidington, rh Mr David
Lilley, rh Mr Peter
Lopresti, Jack
Lord, Jonathan
Loughton, Tim
Lumley, Karen
Mackinlay, Craig
Mackintosh, David

Main, Mrs Anne
Mak, Mr Alan
Malthouse, Kit
Mann, Scott
Marris, Rob
Mathias, Dr Tania
May, rh Mrs Theresa
Maynard, Paul
McCartney, Jason
McCartney, Karl
McLoughlin, rh Sir Patrick
McPartland, Stephen
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalf, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Mordaunt, Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mowat, David
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Newton, Sarah
Nokes, Caroline
Norman, Jesse
Nuttall, Mr David
Offord, Dr Matthew
Opperman, Guy
Osborne, rh Mr George
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Mike
Penrose, John
Percy, Andrew
Perry, Claire
Philp, Chris
Pickles, rh Sir Eric
Pincher, Christopher
Poulter, Dr Daniel
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, Mr Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Mary
Rosindell, Andrew
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Scully, Paul
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok

Shelbrooke, Alec
Simpson, David
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Chloe
Smith, Henry
Smith, Julian
Smith, Royston
Soames, rh Sir Nicholas
Solloway, Amanda
Soubry, rh Anna
Spelman, rh Dame Caroline
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Streeter, Mr Gary
Stride, Mel
Stuart, rh Ms Gisela
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Syms, Mr Robert
Thomas, Derek
Throup, Maggie
Timpson, Edward
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David

Trevelyan, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Turner, Mr Andrew
Vaizey, rh Mr Edward
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Mrs Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, Mr Ben
Warburton, David
Warman, Matt
Watkinson, Dame Angela
Wharton, James
Whately, Helen
Wheeler, Heather
White, Chris
Whittaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williams, Craig
Williamson, rh Gavin
Wilson, Mr Rob
Wilson, Sammy
Wollaston, Dr Sarah
Wragg, William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Mark Spencer and
Graham Stuart

Question accordingly negatived.

New Clause 158

CONTINUED LEVELS OF EU FUNDING FOR WALES

“Before the Prime Minister exercises the power under section 1, the Secretary of State must lay a report before—

(a) Parliament, and

(b) the National Assembly for Wales outlining the effect of the United Kingdom’s withdrawal from the EU on the National Assembly for Wales’ block grant.”—(*Jonathan Edwards.*)

This new clause would require the UK Government to lay a report before the National Assembly for Wales outlining the effect of the UK’s withdrawal from the EU on Welsh finances, before exercising the power under section 1. This would allow for scrutiny of the Leave Campaign’s promise to maintain current levels of EU funding for Wales.

Brought up.

Question put, That the clause be added to the Bill.

The Committee divided: Ayes 267, Noes 330.

Division No. 140]

[12.21 am

AYES

Abbott, Ms Diane
Abrahams, Debbie
Ahmed-Sheikh, Ms Tasmina
Alexander, Heidi
Ali, Rushanara
Allin-Khan, Dr Rosena
Anderson, Mr David
Arkless, Richard
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian

Bardell, Hannah
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Berger, Luciana
Betts, Mr Clive
Black, Mhairi
Blackford, Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blenkinsop, Tom

Blomfield, Paul
 Boswell, Philip
 Brabin, Tracy
 Bradshaw, rh Mr Ben
 Brake, rh Tom
 Brennan, Kevin
 Brock, Deidre
 Brown, Alan
 Brown, Lyn
 Brown, rh Mr Nicholas
 Bryant, Chris
 Buck, Ms Karen
 Burgon, Richard
 Burnham, rh Andy
 Butler, Dawn
 Byrne, rh Liam
 Cadbury, Ruth
 Cameron, Dr Lisa
 Campbell, rh Mr Alan
 Campbell, Mr Ronnie
 Carmichael, rh Mr Alistair
 Champion, Sarah
 Chapman, Douglas
 Chapman, Jenny
 Cherry, Joanna
 Clegg, rh Mr Nick
 Coaker, Vernon
 Cooper, Julie
 Cooper, Rosie
 Cooper, rh Yvette
 Corbyn, rh Jeremy
 Cowan, Ronnie
 Coyle, Neil
 Crausby, Sir David
 Crawley, Angela
 Creagh, Mary
 Creasy, Stella
 Cruddas, Jon
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Cunningham, Mr Jim
 Dakin, Nic
 Danczuk, Simon
 David, Wayne
 Davies, Geraint
 Day, Martyn
 De Piero, Gloria
 Debbonaire, Thangam
 Docherty-Hughes, Martin
 Donaldson, Stuart Blair
 Doughty, Stephen
 Dowd, Jim
 Dowd, Peter
 Dromey, Jack
 Durkan, Mark
 Edwards, Jonathan
 Efford, Clive
 Elliott, Julie
 Ellman, Mrs Louise
 Elmore, Chris
 Esterson, Bill
 Evans, Chris
 Farrelly, Paul
 Farron, Tim
 Ferrier, Margaret
 Ffello, Robert
 Fletcher, Colleen
 Flint, rh Caroline
 Flynn, Paul
 Fovargue, Yvonne
 Foxcroft, Vicky

Furniss, Gill
 Gapes, Mike
 Gardiner, Barry
 Gethins, Stephen
 Gibson, Patricia
 Glindon, Mary
 Goodman, Helen
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hanson, rh Mr David
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Hayman, Sue
 Healey, rh John
 Hendrick, Mr Mark
 Hendry, Drew
 Hepburn, Mr Stephen
 Hillier, Meg
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hosie, Stewart
 Huq, Dr Rupa
 Hussain, Imran
 Jarvis, Dan
 Johnson, rh Alan
 Johnson, Diana
 Jones, Gerald
 Jones, Graham
 Jones, Mr Kevan
 Jones, Susan Elan
 Kane, Mike
 Keeley, Barbara
 Kendall, Liz
 Kerevan, George
 Kerr, Calum
 Kinnock, Stephen
 Kyle, Peter
 Lamb, rh Norman
 Lammy, rh Mr David
 Lavery, Ian
 Law, Chris
 Leslie, Chris
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Lewis, Mr Ivan
 Long Bailey, Rebecca
 Lucas, Caroline
 Lucas, Ian C.
 Lynch, Holly
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Mann, John
 Marris, Rob
 Maskell, Rachael
 Matheson, Christian
 Mc Nally, John
 McCabe, Steve
 McCaig, Callum
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy

McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, Dr Alasdair
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGarry, Natalie
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McLaughlin, Anne
 McMahon, Jim
 Meale, Sir Alan
 Miliband, rh Edward
 Monaghan, Carol
 Monaghan, Dr Paul
 Moon, Mrs Madeleine
 Morden, Jessica
 Mulholland, Greg
 Mullin, Roger
 Murray, Ian
 Nandy, Lisa
 Newlands, Gavin
 Nicolson, John
 O'Hara, Brendan
 Olney, Sarah
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Oswald, Kirsten
 Owen, Albert
 Paterson, Steven
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Phillipson, Bridget
 Pound, Stephen
 Powell, Lucy
 Pugh, John
 Qureshi, Yasmin
 Rayner, Angela
 Reed, Mr Steve
 Rees, Christina
 Reeves, Rachel
 Reynolds, Jonathan
 Rimmer, Marie
 Ritchie, Ms Margaret
 Robertson, rh Angus
 Robinson, Mr Geoffrey
 Rotheram, Steve
 Ryan, rh Joan
 Saville Roberts, Liz
 Shah, Naz
 Sharma, Mr Virendra

Sheerman, Mr Barry
 Sheppard, Tommy
 Sherriff, Paula
 Shuker, Mr Gavin
 Siddiq, Tulip
 Skinner, Mr Dennis
 Slaughter, Andy
 Smith, rh Mr Andrew
 Smith, Cat
 Smith, Jeff
 Smith, Nick
 Smith, Owen
 Smyth, Karin
 Spellar, rh Mr John
 Starmer, Keir
 Stephens, Chris
 Stevens, Jo
 Streeting, Wes
 Tami, Mark
 Thewliss, Alison
 Thomas, Mr Gareth
 Thomas-Symonds, Nick
 Thomson, Michelle
 Thornberry, Emily
 Timms, rh Stephen
 Trickett, Jon
 Turley, Anna
 Turner, Karl
 Twigg, Derek
 Twigg, Stephen
 Umunna, Mr Chuka
 Vaz, rh Keith
 Vaz, Valerie
 Watson, Mr Tom
 Weir, Mike
 West, Catherine
 Whiteford, Dr Eilidh
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Williams, Hywel
 Williams, Mr Mark
 Wilson, Corri
 Wilson, Phil
 Winterton, rh Dame Rosie
 Wishart, Pete
 Woodcock, John
 Wright, Mr Iain
 Zeichner, Daniel

Tellers for the Ayes:
 Marion Fellows and
 Owen Thompson

NOES

Adams, Nigel
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Amess, Sir David
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Baron, Mr John
 Barwell, Gavin
 Bebb, Guto
 Bellingham, Sir Henry
 Benyon, Richard
 Beresford, Sir Paul
 Berry, Jake
 Berry, James
 Bingham, Andrew
 Blackman, Bob
 Blackwood, Nicola
 Blunt, Crispin
 Bone, Mr Peter
 Borwick, Victoria
 Bottomley, Sir Peter
 Bradley, rh Karen
 Brady, Mr Graham
 Brazier, Sir Julian

Bridgen, Andrew	Freer, Mike	Knight, Julian	Prentis, Victoria
Brine, Steve	Fuller, Richard	Kwarteng, Kwasi	Prisk, Mr Mark
Brokenshire, rh James	Fysh, Marcus	Lancaster, Mark	Pritchard, Mark
Bruce, Fiona	Garnier, rh Sir Edward	Latham, Pauline	Pursglove, Tom
Buckland, Robert	Garnier, Mark	Leadsom, rh Andrea	Quin, Jeremy
Burns, Conor	Gauke, rh Mr David	Lee, Dr Phillip	Quince, Will
Burns, rh Sir Simon	Ghani, Nusrat	Lefroy, Jeremy	Raab, Mr Dominic
Burrowes, Mr David	Gibb, rh Mr Nick	Leigh, Sir Edward	Redwood, rh John
Burt, rh Alistair	Gillan, rh Mrs Cheryl	Leslie, Charlotte	Rees-Mogg, Mr Jacob
Cairns, rh Alun	Glen, John	Letwin, rh Sir Oliver	Robertson, Mr Laurence
Campbell, Mr Gregory	Goodwill, Mr Robert	Lewis, rh Brandon	Robertson, Mary
Carmichael, Neil	Gove, rh Michael	Lewis, rh Dr Julian	Rosindell, Andrew
Carswell, Mr Douglas	Graham, Richard	Liddell-Grainger, Mr Ian	Rudd, rh Amber
Cartlidge, James	Grant, Mrs Helen	Lidington, rh Mr David	Rutley, David
Cash, Sir William	Gray, Mr James	Lilley, rh Mr Peter	Sandbach, Antoinette
Caulfield, Maria	Grayling, rh Chris	Lopresti, Jack	Scully, Paul
Chalk, Alex	Green, Chris	Lord, Jonathan	Selous, Andrew
Chishti, Rehman	Green, rh Damian	Loughton, Tim	Shannon, Jim
Chope, Mr Christopher	Greening, rh Justine	Lumley, Karen	Shapps, rh Grant
Churchill, Jo	Grieve, rh Mr Dominic	Mackinlay, Craig	Sharma, Alok
Clark, rh Greg	Griffiths, Andrew	Mackintosh, David	Shelbrooke, Alec
Cleverly, James	Gummer, rh Ben	Main, Mrs Anne	Simpson, David
Clifton-Brown, Geoffrey	Gyimah, Mr Sam	Mak, Mr Alan	Simpson, rh Mr Keith
Coffey, Dr Thérèse	Halfon, rh Robert	Malthouse, Kit	Skidmore, Chris
Collins, Damian	Hall, Luke	Mann, Scott	Smith, Chloe
Colvile, Oliver	Hammond, rh Mr Philip	Mathias, Dr Tania	Smith, Henry
Costa, Alberto	Hammond, Stephen	Maynard, Paul	Smith, Julian
Courts, Robert	Hancock, rh Matt	McCartney, Jason	Smith, Royston
Cox, Mr Geoffrey	Hands, rh Greg	McCartney, Karl	Soames, rh Sir Nicholas
Crabb, rh Stephen	Harper, rh Mr Mark	McLoughlin, rh Sir Patrick	Solloway, Amanda
Crouch, Tracey	Harrington, Richard	McPartland, Stephen	Soubry, rh Anna
Davies, Byron	Harris, Rebecca	Menzies, Mark	Spelman, rh Dame Caroline
Davies, Chris	Hart, Simon	Mercer, Johnny	Stephenson, Andrew
Davies, David T. C.	Haselhurst, rh Sir Alan	Merriman, Huw	Stevenson, John
Davies, Glyn	Hayes, rh Mr John	Metcalfe, Stephen	Stewart, Bob
Davies, Dr James	Heald, rh Sir Oliver	Miller, rh Mrs Maria	Stewart, Iain
Davies, Mims	Heapey, James	Milling, Amanda	Stewart, Rory
Davies, Philip	Heaton-Harris, Chris	Mills, Nigel	Streeter, Mr Gary
Davis, rh Mr David	Heaton-Jones, Peter	Milton, rh Anne	Stride, Mel
Dinenage, Caroline	Henderson, Gordon	Mitchell, rh Mr Andrew	Stuart, rh Ms Gisela
Djanogly, Mr Jonathan	Hinds, Damian	Mordaunt, Penny	Sturdy, Julian
Dodds, rh Mr Nigel	Hoare, Simon	Morgan, rh Nicky	Sunak, Rishi
Donaldson, rh Sir Jeffrey M.	Hollingbery, George	Morris, Anne Marie	Swayne, rh Sir Desmond
Donelan, Michelle	Hollinrake, Kevin	Morris, David	Swire, rh Sir Hugo
Dorries, Nadine	Hollobone, Mr Philip	Morris, James	Syms, Mr Robert
Double, Steve	Holloway, Mr Adam	Morton, Wendy	Thomas, Derek
Dowden, Oliver	Hopkins, Kris	Mowat, David	Thrupp, Maggie
Doyle-Price, Jackie	Howarth, Sir Gerald	Mundell, rh David	Timpson, Edward
Drax, Richard	Howell, John	Murray, Mrs Sheryll	Tolhurst, Kelly
Drummond, Mrs Flick	Howlett, Ben	Murrison, Dr Andrew	Tomlinson, Justin
Duddridge, James	Huddleston, Nigel	Neill, Robert	Tomlinson, Michael
Duncan, rh Sir Alan	Hunt, rh Mr Jeremy	Newton, Sarah	Tracey, Craig
Duncan Smith, rh Mr Iain	Hurd, Mr Nick	Nokes, Caroline	Tredinnick, David
Dunne, Mr Philip	Jackson, Mr Stewart	Norman, Jesse	Trevelyan, Mrs Anne-Marie
Elliott, Tom	James, Margot	Nuttall, Mr David	Truss, rh Elizabeth
Ellis, Michael	Javid, rh Sajid	Offord, Dr Matthew	Tugendhat, Tom
Ellison, Jane	Jayawardena, Mr Ranil	Opperman, Guy	Turner, Mr Andrew
Ellwood, Mr Tobias	Jenkin, Mr Bernard	Osborne, rh Mr George	Vaizey, rh Mr Edward
Elphicke, Charlie	Jenkyns, Andrea	Paisley, Ian	Vara, Mr Shailesh
Eustice, George	Jenrick, Robert	Parish, Neil	Vickers, Martin
Evans, Graham	Johnson, rh Boris	Patel, rh Priti	Villiers, rh Mrs Theresa
Evans, Mr Nigel	Johnson, Dr Caroline	Paterson, rh Mr Owen	Walker, Mr Charles
Evennett, rh David	Johnson, Gareth	Pawsey, Mark	Walker, Mr Robin
Fabricant, Michael	Johnson, Joseph	Penning, rh Mike	Wallace, Mr Ben
Fallon, rh Sir Michael	Jones, Andrew	Penrose, John	Warburton, David
Fernandes, Suella	Jones, rh Mr David	Percy, Andrew	Warman, Matt
Field, rh Mark	Jones, Mr Marcus	Perry, Claire	Watkinson, Dame Angela
Foster, Kevin	Kawczynski, Daniel	Philp, Chris	Wharton, James
Fox, rh Dr Liam	Kennedy, Seema	Pickles, rh Sir Eric	Whately, Helen
Francois, rh Mr Mark	Kinahan, Danny	Pincher, Christopher	Wheeler, Heather
Frazer, Lucy	Kirby, Simon	Poulter, Dr Daniel	White, Chris
Freeman, George	Knight, rh Sir Greg	Pow, Rebecca	Whittaker, Craig

Whittingdale, rh Mr John
Wiggin, Bill
Williams, Craig
Williamson, rh Gavin
Wilson, Mr Rob
Wilson, Sammy
Wollaston, Dr Sarah

Wragg, William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Mark Spencer and
Graham Stuart

Question accordingly negated.

The occupant of the Chair left the Chair (Programme Order, 1 February).

The Deputy Speaker resumed the Chair.

Progress reported; Committee to sit again tomorrow.

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)),

TRADE UNIONS

That the draft Important Public Services (Health) Regulations 2017, which were laid before this House on 5 December 2016, be approved.—(*Heather Wheeler.*)

The Speaker's opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 8 February (Standing Order No. 41A).

That the draft Important Public Services (Border Security) Regulations 2017, which were laid before this House on 5 December 2016, be approved.—(*Heather Wheeler.*)

The Speaker's opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 8 February (Standing Order No. 41A).

That the draft Important Public Services (Fire) Regulations 2017, which were laid before this House on 5 December 2016, be approved.—(*Heather Wheeler.*)

The Speaker's opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 8 February (Standing Order No. 41A).

Motion made, and Question put forthwith (Standing Order No. 118(6)),

NATIONAL HEALTH SERVICE

That the draft National Health Service Commissioning Board (Additional Functions) Regulations 2017, which were laid before this House on 9 January, be approved.—(*Heather Wheeler.*)

Question agreed to.

EUROPEAN SCRUTINY COMMITTEE

Ordered,

That Dr Paul Monaghan be discharged from the European Scrutiny Committee and Chris Stephens be added.—(*Bill Wiggin, on behalf of the Committee of Selection.*)

FINANCE COMMITTEE

Ordered,

That Kwasi Kwarteng be discharged from the Finance Committee and William Wragg be added.—(*Bill Wiggin, on behalf of the Committee of Selection.*)

Motion made, and Question put forthwith (Standing Order No. 118(6)),

High Speed 2: Yorkshire

Motion made, and Question proposed, That this House do now adjourn.—(Heather Wheeler.)

12.35 am

Edward Miliband (Doncaster North) (Lab): I am grateful, even at this late—or should I say early—hour, to discuss the very important decisions to be made about HS2 and its route through Yorkshire, and particularly South Yorkshire. What this debate loses by the hour at which it occurs, it gains from the quality of the Members who are present.

Jon Trickett (Hemsworth) (Lab): On this side.

Edward Miliband: On both sides of the House.

I am grateful to all my right hon. and hon. Friends who have supported the debate, and particularly to my right hon. Friends the Members for Rother Valley (Sir Kevin Barron), for Wentworth and Dearne (John Healey) and for Doncaster Central (Dame Rosie Winterton), my hon. Friends the Members for Hemsworth (Jon Trickett) and for Rotherham (Sarah Champion), and indeed all my hon. Friends.

I want to make it clear right at the outset that I have always supported the principle of HS2, and I still do. But the whole reason for it must be to seek to do something about the deep inequalities our country faces, and my colleagues and I fear that that will not be the outcome of the decisions currently being advocated. We have called this debate because HS2, having supported the Sheffield Meadowhall route year after year, has changed its mind and is now recommending what is called the M18 route through my constituency, with a spur to Sheffield Midland. In my remarks, I want to take on the issue of whether that makes sense. I do not believe it does make sense in terms of maximising the economic benefits of HS2 or tackling the deep inequalities in our country, connectivity and value for money. I hope the Minister, and indeed the Secretary of State, will be as fair minded as we have been in listening to the arguments that have been made.

There are five arguments that HS2 is making. The first is around what it calls the conflicting demands of the region. In considering this issue, it is worth remembering why Meadowhall was originally chosen—it was because of its excellent connections to the rest of the region, with a journey time to London of 68 minutes and five trains an hour. This is what Sir David Higgins himself said in October 2014 about the alternative option, which he now recommends. HS2 examined

“a spur terminating at Sheffield Midland station. While this provided limited benefits for the city centre market, it did not provide the connections and journey times necessary to serve the wider Sheffield city region effectively, particularly Rotherham and Barnsley.”

I could not have put it better myself. He went on to say that this approach would not deliver

“an equitable approach across the North or meet the vision of a truly high speed network for the country.”

So HS2 is currently recommending an approach it describes as worse for equity, connectivity, capacity and journey times.

[*Edward Miliband*]

Given all that, Members might think that the M18 option was better for Sheffield city centre. My colleagues from Sheffield will obviously take their own view on that, but I contend that that is not the case. Why do I say that? The so-called city centre option that is now being recommended actually means slower journey times from London to Sheffield city centre than the previous Meadowhall option. The House should not take my word for it; it should listen to HS2's own figures.

According to HS2, the old Meadowhall route meant a journey time into Sheffield Midland from London of 79 minutes, even with a change of trains. The time on the new route is somewhere between 85 and 87 minutes, and could actually be longer. Not only that, but there would have been five trains an hour—now there will be a maximum of two. The trains will be half the length of HS2 trains, and they will not be on the HS2 track; they will be on what HS2 euphemistically calls “classic” track—I think that means the old track, which is subject to all the delays and problems that exist. I believe that Sheffield and South Yorkshire are being sold a pup on this route. That is true whether we look at the economic benefit or the passenger numbers; on all the issues that matter, the benefits of Sheffield Meadowhall are much greater than those of the Midland option.

The second argument HS2 makes is around city centre connectivity—the need to go from Leeds city centre to Sheffield city centre, for example. When I have asked HS2 about this, it has said, “Well, Transport for the North”—hon. Members will know about that organisation—“has really changed our thinking on this.” So last week I rang up the head of Transport for the North, David Brown, who was bemused, to say the least, to hear that he had driven this change. He told me that he certainly had not expressed a view about which option was better. He actually said that it was disingenuous to claim that he had driven this change. That is not surprising, because the old Meadowhall route meant a journey time from Leeds city centre into Sheffield city centre of 27 minutes, which is under the half an hour that is the ambition that Transport for the North has for this city centre connectivity.

There is an even more serious problem with the Sheffield Midland option that my hon. Friend the Member for Sheffield South East (Mr Betts) has exposed with persistent questioning—whether there is the engineering capacity at Sheffield Midland to meet the ambitions of Transport for the North for up to 20 trains an hour. There are real doubts about this. I would like the Minister to tell us—because I have asked HS2 and it has not given a straight answer—what the engineering constraints are at Sheffield Midland. Currently two trains an hour are being proposed, and there is the potential for two more if other links are built.

The third argument that HS2 makes is about demand. This basically says that there is not the demand in South Yorkshire that justifies the five trains an hour that would have run to Meadowhall, so instead there will be up to two trains an hour, which could of course be one or two—and we have to remember that they are half the size of the old HS2 trains. I think that this is the same as the defeatism that the proponents of HS2 often accuse its critics of. In other words, it is saying, “This kind of economic intervention isn't going to make a big difference so we are talking about one fifth of the capacity of the

original Meadowhall proposal.” That is defeatist and wrong. It is downgrading South Yorkshire, and that is the wrong thing to do.

Mr Clive Betts (Sheffield South East) (Lab): My right hon. Friend is right to be concerned about the capacity of Sheffield Midland station, particularly if we want to increase the number of trains to Manchester, for example. There is an additional problem that he might like to mention, which is that the electrification of the midland main line is not going to go ahead in the mainstream programme, and there is no money in anybody's budget to fund this, as I understand it.

Edward Miliband: That is an incredibly important point. I will come on to the vexed question of costs, because that will obviously be a concern of the Minister, and I understand the reasons for that.

HS2's fourth argument is about what it calls local constraints—that is, the urban industrial density and the environmental challenges of the Meadowhall route. However, HS2 itself admits in its most recent document that what it calls the constructability issues at Meadowhall can be overcome, and, as I have said, the engineering challenges of the city centre are completely unanswered.

Karl McCartney (Lincoln) (Con): Is the right hon. Gentleman aware of the woefully inadequate evidence that HS2 gave to the Transport Committee when it was called to give evidence? It was questioned quite closely in its witness statements on this particular issue and did not give any semblance of a proper answer.

Edward Miliband: I thank the hon. Gentleman for that. I noticed the hon. Member for Colne Valley (Jason McCartney) nodding from a sedentary position; I know that he raised this issue in the Transport Committee as well. It is also something that my constituents have raised with me.

The other thing I would say about the challenges and constraints is that we are not comparing like with like. We are comparing three or four years of work on the Meadowhall route with, frankly, back-of-a-fag packet calculations in relation to the M18 route. My constituents with houses that are going to need to be demolished have not had letters saying that their houses would need to be demolished. There is a whole range of issues. A whole new housing estate, the Shimmer estate in Mexborough in my constituency, is threatened with demolition. Some of the most distinctive countryside around villages in my constituency such as Hickleton, Barnburgh, Clayton and Hooton Pagnell is under threat. Our argument is not simply about the local effect—it is a wider argument about the benefits to South Yorkshire. However, I do think that that is relevant, and proper work has not been done on the constraints of this route.

Mrs Cheryl Gillan (Chesham and Amersham) (Con): As somebody who has opposed HS2 right from the beginning, I have a great deal of sympathy with the case the right hon. Gentleman is making. Although I do not want to intervene on the merits of the M18 route or Meadowhall, does he agree that there is a serious problem with the governance of HS2 Ltd? It has had five Secretaries of State, four permanent secretaries and three chief executives. Now, even the former permanent secretary

to the Treasury, Lord Macpherson, has said that HS2 is not good value for money for the taxpayer and the money could be better spent on other road and rail projects that would benefit Yorkshire and the rest of the country.

Edward Miliband: The right hon. Lady has a long track record of campaigning on this issue. Although she and I may differ on the principle around HS2—I support it—the point that she makes about its inconsistency of approach is deeply troubling. It was recommending the Meadowhall route not just in October 2014 but, as we discovered thanks to FOI, in late 2015 and as late as February 2016. I was going to call this debate—partly in order to attract more people to it—“The mystery of HS2 in Yorkshire”, because it is a mystery to me what changed. In February, HS2 was saying that Meadowhall was the right option. By April or May, the previous Secretary of State was walking around my constituency looking at the other route.

Sir Kevin Barron (Rother Valley) (Lab): I spoke to David Higgins in July last year when this occurred, and he said that there was no consensus for Sheffield Meadowhall. It is quite clear to me the damage that the M18 route will do to three villages in my constituency. If M18 goes ahead, the sub-regional economy of South Yorkshire will lose out massively on the benefit and the jobs that HS2 said two years ago would result from Meadowhall going ahead. It is inconceivable, in my view, that that should not happen, and it has not been written off.

Edward Miliband: My right hon. Friend makes an important point, and I hope that the Minister will be open-minded. Although the Secretary of State has said that he is minded to go ahead with the M18 route, he has kept the Meadowhall option open.

I come now to the issue of cost. HS2 has been careful to say that the claimed £1 billion of savings is not the motivation for the route change, but I totally understand why the Minister and the Secretary of State would care about the cost. Unfortunately, it turns out that the claimed savings are simply illusory. This £1 billion of so-called savings excludes a whole number of costs. It excludes the electrification of the northern loop to Leeds, which will cost £300 million and which is essential for any link to Leeds, because it is not built into the plan. It excludes the cost of a parkway station, which HS2 is suggesting could cost somewhere between £200 million and £300 million; that is not in the plan. It excludes any re-engineering of Sheffield Midland; that is not in the plan. It excludes potential electrification of the Sheffield line; that is not in the plan. It excludes the optimism bias that the National Audit Office called the Government out on. My right hon. Friend the Member for Don Valley (Caroline Flint), in her role on the Public Accounts Committee, has been assiduous in looking at these issues. When we look at the so-called £1 billion of savings, we found that it disappeared. I ask the Minister to come back to me on that if he disagrees.

That is half the problem, but there is another half to the problem. The Government and HS2 have been talking about the capital costs of the project, but when we look at the fine print, we might wonder why they have not been talking about the operating costs. There is a very good reason why they have not done so. The operating

costs of the M18 route—this comes from the Government’s own figures—are a staggering £1.7 billion higher than those of the Meadowhall route. Not only do the savings disappear, but the route turns out to be more expensive by £1 billion or more over the lifetime of the project. I hope that one thing that we can establish today is that the Minister and HS2 really should stop saying that the route saves money, because it does not. It does not save money when we look at the capital costs, and it certainly does not save money when we throw in the operating costs as well.

When I go through the arguments about the benefits to South Yorkshire and look at whether we believe this economic intervention will help South Yorkshire and do so properly—there are issues of connectivity, demand, local constraints and costs—I am afraid that I do not believe the M18 route adds up. Some people have said that the problems can be solved by having a parkway station on the M18 route—for example, in a village or town in the Dearne valley—but I do not believe that. An afterthought parkway station will provide a maximum of one or two trains an hour, not five. It would be likely to have all the same connection problems as the city centre option, and it raises the most profound infrastructure challenges.

Andrew Bridgen (North West Leicestershire) (Con): HS2 adversely affects my constituency, and I have always voted against it. Does the right hon. Gentleman agree with me that HS2 is now so desperately over budget and so desperate to make savings that we have ended up with a railway that does not connect with HS1 or Heathrow, and goes from nearly London to nearly Birmingham? I am not surprised that it is not delivering what he expected for Doncaster.

Edward Miliband: The hon. Gentleman makes an important point. I understand that Governments will always want to look for savings, but I do not believe there will be any savings.

The final argument I want to address is consensus. The Minister and I have discussed the issue, and I know he is concerned about it. One explanation HS2 has offered is that there was no consensus for the Meadowhall route. That was true because Meadowhall was advocated by Doncaster, Barnsley and Rotherham, while Sheffield advocated the Victoria option. However, I really hope the Minister hears today that if there was no consensus for Meadowhall, there is far less support for the M18 route. I believe that this is now an idea without allies. It is not supported in Doncaster, Barnsley or Rotherham, and many people in Sheffield have growing doubts. Indeed, I think Sheffield has been sold a pup by HS2.

Last of all, I say to the Minister that the Secretary of State has said he is minded to adopt the M18 proposal, but has not closed the door on Meadowhall. Whatever the reasons for this bad recommendation, I want the Minister to listen to what he is hearing—the facts and the evidence—and not sell South Yorkshire down the river. I want HS2 to work for South Yorkshire, but the M18 route does not work. The answer, in my view, should be to return to the original Meadowhall route, by all means with better connections to the centre of Sheffield. If reason and rationality matter, the M18 route cannot go ahead; if making our country more equal matters, the M18 route should not go ahead; and

[Edward Miliband]

if the views of the people of South Yorkshire matter, it cannot go ahead. I hope and trust that the Minister and his Secretary of State will listen and act when the time comes.

12.52 am

The Parliamentary Under-Secretary of State for Transport (Andrew Jones): I congratulate the right hon. Member for Doncaster North (Edward Miliband) on securing this debate. I think HS2 is a very exciting project, and I am grateful to him for his overall support in principle, but we obviously have issues to resolve in South Yorkshire.

HS2 is long overdue for our national rail system. It will provide the capacity for our congested railways, improve connections between our biggest cities and regions, and generate the jobs, skills and economic growth that will help us to build an economy that works for all. A key part of that is closing the geographical, sector and skills gaps in our country, and not leaving people behind.

By providing new fast lines for inter-city services, HS2 will free up space on our existing railways for more services, including more regional services for commuters and more freight services. It will create better connections and more seats for passengers overall. Even people who never travel by train stand to benefit from fewer lorries on the roads, and from the thousands of local jobs and apprenticeships that will be created by HS2. It will create opportunities for skills and employment, and it will promote UK leadership and expertise in construction and engineering. We are looking at 2,000 new apprenticeships, 25,000 private sector jobs to build the railway and 3,000 jobs to operate it. Over 70% of the new jobs created directly by HS2 are outside London.

Toby Perkins (Chesterfield) (Lab): I think we all support the principle, but we want to talk about this particular route. From the perspective of Chesterfield, may I tell the Minister that we were actually quite pleased with the change, because it brings in the whole north Derbyshire area, and up to about 400,000 people? Whatever comes out of this, can we make sure that Chesterfield is served either by the route he is now proposing, or by the route to the east of Chesterfield?

Andrew Jones: The hon. Gentleman's very interesting point highlights the dilemma we are facing in South Yorkshire and the surrounding area, but I think the benefits will be significant.

Let me get into the detail. I am still asked every day whether this scheme will happen. Of course it will happen. The Bill went through on its Third Reading in the House of Lords only last week, with the biggest majority in a Division since this Parliament voted to join the European Community, as it then was, almost 50 years ago. That is quite an interesting point to note. [Interruption.] I think it is very interesting. The point is that the scheme is going to happen. The question now is how we maximise the benefits when it arrives in our communities.

All sorts of problems will clearly arise from part of the proposed phase 2 route through South Yorkshire. I agree with the right hon. Member for Doncaster North that the concerns of residents in South Yorkshire are very important, just like the views of residents along the

entire line of route. That is why HS2 has engaged closely and continues to engage with affected residents, including the people of Yorkshire, to understand and address their concerns.

The current phase 2b route refinement and property consultation is addressing the issues raised by residents directly, including the location of depots, where to build tunnels and viaducts, the height of infrastructure, and property impacts. The consultation exercise closes on 9 March, so this is a live, ongoing consultation and I can only talk about the proposals. A significant number of events are being held.

Sir Kevin Barron: Will the Minister give way?

Andrew Jones: We will run out of time pretty shortly.

Sir Kevin Barron: I will be very brief. HS2 has said that there are nine areas where there could be a parkway station, but today I have heard that it could be two areas. Why is that not out for consultation as well?

Andrew Jones: HS2 is still working on the proposals. It will provide its recommendations to us when it has done the assessment in April and May of this year, so there is nothing yet to consult upon.

There are 30 information events along the line of route on the current proposals. This is a genuine consultation and we are listening. The right hon. Member for Doncaster North asked whether we are listening and we are. The way in which changes have been made in response to previous consultations shows that the process is open and by no means finished.

In response to concerns raised by the local community in Crofton, HS2 Ltd has identified options for alternative locations for the proposed New Crofton depot, some of which the Secretary of State could consider in his response to the route refinement consultation.

The entire HS2 programme has benefited from close engagement with communities, businesses, local authorities and passengers. The engagement events have been extremely well attended, so we are listening. We are working closely with local authorities and stakeholders along the line of route to find the best solutions.

After listening to consultation responses and considering alternatives to the proposed viaduct in the Aire and Calder area, we changed the route to pass under Woodlesford in a tunnel. In Leeds, we moved the location of the HS2 station 500 metres to the north to create a major transport hub with a single concourse. Again, we are listening. The point is that people in Leeds came together to suggest a solution. It would be great if that were possible in the Sheffield city region, so that the region spoke with one voice to the Government and decided where the station should be.

Jason McCartney (Colne Valley) (Con): What needs to happen to get the Meadowhall option back on the table? That is on the Huddersfield-Penistone-Sheffield line that goes through my constituency, so it has the added benefit of connectivity to Huddersfield and the surrounding towns.

Andrew Jones: As ever, my hon. Friend makes a good point about connectivity and the services that would benefit his constituency.

Let me get into the points that have been made. We know that we have to get the decision on the M18 route refinement and the Meadowhall options right. This is more than a Government-led proposal; it requires collaboration from regional and local stakeholders.

The original 2013 consultation proposed serving South Yorkshire with a route along the Rother valley and an HS2 station at Meadowhall, about 6 km from Sheffield city centre. Since 2013, opinion among local people about the best location for the station has remained divided and no consensus has been reached. Indeed, it does not look like a consensus will be reached. That has made the decision about how HS2 can best serve the region very challenging, and the factors around the decision are finely balanced. In addition, there have been new developments since that time, including the northern powerhouse rail aspiration for fast and frequent services between city centres.

In the light of those developments and the feedback received in response to the 2013 consultation, HS2 Ltd continued to consider a range of options for how HS2 could best serve South Yorkshire while maintaining the integrity of the service to the larger markets of Leeds, York and Newcastle.

As part of the changes, Sir David Higgins recommended that a 9.4 km southern spur at Stonebroom be built off the HS2 main line, enabling HS2 trains to run directly into Sheffield city centre along the main network, and that the main north-south route follows a more easterly alignment over some 70 km between Derbyshire and west Yorkshire.

Mr Betts: From whose budget will the cost of electrification of the HS2 main line into Sheffield Midland station come?

Andrew Jones: We are still working up the proposals for northern powerhouse rail, as the hon. Gentleman knows. We are looking at that all the time.

Building a northern connection would result in Sheffield being served by a loop rather than a spur, enabling services stopping at Sheffield Midland to continue on to destinations further north, and this connection could allow journeys between Sheffield and Leeds of 25 minutes—well within the northern powerhouse rail ambition of 30 minutes. The proposed M18 route has additional benefits, in that it affects fewer properties, generates less noise pollution than the Meadowhall alternative, is less congested, and avoids businesses and the risk from the mining legacy. I can see many attractions to a city centre location such as Leeds, Birmingham or Manchester.

On the parkway station recommendation, the Government have commissioned HS2 Ltd to conduct an options study that will review rail demand in the

South Yorkshire region, and alternative options for meeting that demand, including the parkway station, as well as potential service extensions to places beyond Sheffield Midland, such as Meadowhall, Rotherham and Barnsley. That work is under way. We look forward to the results in the spring. Alongside the route refinement and property consultation, the study will be used to inform a decision on HS2 in South Yorkshire later this year.

I agree with everybody here that we want to secure the benefits of HS2 in South Yorkshire and right across our country. It will be a major challenge to get the scheme right for South Yorkshire, but already we can see some benefits, including funding to help with the development of a growth strategy. The region can start to benefit from HS2 even before it is built, through long-term plans for regeneration. Several contracts have been let, and further major contracts worth up to £11.8 billion for civil engineering work between London and Birmingham are expected to be let this year.

HS2 is going ahead. The programme is moving at pace. The question is how to minimise the disruption during the build and, most importantly, maximise the benefits when HS2 arrives. I want people to be thinking about that, including in South Yorkshire. I have met colleagues from South Yorkshire, and I will meet them again—I think that dates are already in the diary; I am happy to receive all representations. I think that we can take this debate as part of the consultation exercise, and I hope that we can achieve a consensus around the proposal in South Yorkshire.

Edward Miliband: Will the Minister answer a simple question: is Meadowhall still on the table?

Andrew Jones: Yes. We have not ruled options out, although the Government have said that they are minded—but only minded—to go ahead with the proposal from Sir David Higgins. HS2 Ltd has run the largest public consultation in British Government history. We have sought to listen to communities and to take on board their comments and concerns at every stage, and that will continue, but HS2 is not just about improving transport; it is about exactly what the right hon. Gentleman said—building a better Britain and creating a legacy of prosperity for future generations. That especially applies in Yorkshire, which stands to benefit enormously from the new line, which is why I, as a Yorkshire MP, am proud to be part of this fantastic scheme.

Question put and agreed to.

1.3 am

House adjourned.

Westminster Hall

Monday 6 February 2017

[MR GRAHAM BRADY *in the Chair*]

Domestic Ivory Market

4.30 pm

Luke Hall (Thornbury and Yate) (Con): I beg to move,

That this House has considered e-petition 165905 relating to the domestic ivory market in the UK.

It is a pleasure to serve under your chairmanship, Mr Brady. This petition has attracted more than 107,000 signatures and is very clear in its aim. This is the second time that this matter has been debated in the House in the past two months, following a debate in this place on 8 December.

I pay tribute to the work of Tusk, the World Wildlife Fund, the International Fund for Animal Welfare and other organisations for highlighting the threat to elephants and other endangered species. I also pay tribute to the work of Lord Hague and the many other right hon. and hon. Members for whom this matter is of great concern, including my hon. Friend the Member for Mid Derbyshire (Pauline Latham), who has spoken regularly about it in the House. I will leave most of the detail to her. I want to be clear that the debate is about the UK's commercial ivory trade. It is not about stopping people owning ivory, inheriting family heirlooms or donating to museums. It is about how we play our full part in increasing global efforts to halt poaching.

The survival of elephants is threatened across Africa. The International Union for Conservation of Nature has estimated that only 415,000 African elephants remain. The savannah elephant population declined by 30% between 2007 and 2014, largely due to poaching. Between 2010 and 2012, 30,000 African elephants a year were being slaughtered for their tusks. The rate of poaching has since declined, although that is partly due to the fact that it is now harder to find large groups of elephants to kill. However, the Great Elephant Census has revealed the current rate of decline is still around 8% a year, which is far higher than could ever be considered sustainable.

The UK currently has one of the largest domestic ivory markets, which contributes directly to illegal trade, providing the opportunity for illegal ivory to be laundered. TRAFFIC has stated that the UK's role in illegal ivory is in particular as a transit country. Examples in the last year alone can be cited. Christie's was fined more than £3,000 in 2016 for selling a piece of ivory without the relevant documentation, and in November 2016 an individual based in the UK was prosecuted for selling 78 ivory items valued at almost £6,500.

The Government's consultation announced in September on banning the sale of modern-day ivory—that is, dated after 1947—is welcome. It follows leadership by the Secretary of State for Environment, Food and Rural Affairs and the Minister. However, there are a number of reasons why we should go further.

Mr John Spellar (Warley) (Lab): Given the intensity of the crisis that the hon. Gentleman rightly identifies, are we not in danger, as in so many other areas, of paralysis by process? Should the consultation be brought to a close, and should we now take action?

Luke Hall: I will come to my thoughts on the steps the Government should take later in my remarks.

There are a number of reasons why we should go further. First, the proposal will not cover worked ivory dated before 1947, which makes up the vast majority of the current UK ivory market. Secondly, it is difficult for our law enforcement officers to tell the difference between pre and post-1947 ivory, especially as newer ivory is frequently and deliberately disguised as antique. Thirdly, it is unclear how all ivory could be age tested.

Mr Jim Cunningham (Coventry South) (Lab): Although the hon. Gentleman is confining his remarks to the UK market, there are bigger markets outside the UK. We need international action, because countries such as China import a lot of ivory. If we are going to save elephants, we cannot confine the problem to one country.

Luke Hall: I will talk later about the action that countries around the world are currently taking and looking to take in the years ahead.

As I was saying, it is unclear how all ivory could be age tested. Radiocarbon dating every piece of ivory would be hugely expensive and significantly increase the cost of the licensing regime. International momentum for action is also building. In December last year, China announced a timetable for closing its domestic ivory trade.

Oliver Dowden (Hertsmere) (Con): As my hon. Friend knows, I am a fellow member of the Petitions Committee and welcome the opportunity to debate this subject. We spend an awful lot of time discussing as an international community how we can deal with the challenge of climate change, which seems somewhat intractable. Does he agree that this is a much simpler problem, and that we could get on and save great species such as the elephant and the tiger?

Luke Hall: My hon. Friend has put a lot of work into this issue in the past and has raised it on behalf of his constituents a number of times. I understand the point he makes.

Jim Shannon (Strangford) (DUP): I congratulate the hon. Gentleman on bringing this matter forwards from the Petitions Committee. If we are determined to stop the ivory trade, we have to stop the demand. The hon. Member for Coventry South (Mr Cunningham) referred to China. China blatantly disregards world opinion. It pays lip service to stopping the ivory trade, but the trade continues. Does the hon. Gentleman feel that it is time for our Government to step up to the mark and persuade, and perhaps even elbow, China to stop the ivory trade in its totality? That is where the problem is: China says one thing and pays lip service, and does something different.

Luke Hall: As I have said, I welcome the Government's leadership. Other countries around the world are also taking action. Hong Kong has confirmed that it will

[*Luke Hall*]

totally ban all ivory sales within five years. In August last year, France proposed further restrictions on its domestic market. India has implemented a near-total ban. The US introduced a near-total ban on all ivory sales at a federal level in July 2016, and 80% of African elephant range countries support the closure of domestic ivory markets.

It is clear that the public support further action, as is demonstrated by more than 107,000 people—2,000 just over the weekend—signing the petition and therefore triggering the debate, which is the second on this subject in two months. Further research carried out by TNS in September 2016 found that 85% of the public think that buying and selling ivory in the UK should be banned.

Rob Marris (Wolverhampton South West) (Lab): It has been suggested by some of those who are against a ban that a certification system could be introduced, whereby pieces of ivory to be sold in the United Kingdom market would have to carry a certificate indicating that they were pre-1947. The hon. Gentleman said a moment ago that radiocarbon dating is very expensive. I am not an expert. Can he give an indication of how much it would cost per piece?

Luke Hall: I cannot give an exact indication, but the point I was trying to make is that radiocarbon dating every piece of ivory would be hugely time-consuming and cumbersome. I will say what more I think the Government can do on this important matter later.

The Government's response to the online petition stated that the consultation would be a "step towards a total ban."

That is welcome, but I urge them to take a bigger step by widening the remit of their forthcoming consultation to cover all possible scenarios, including a total ban on the domestic trade in ivory, while considering international examples that include tightly-defined exemptions for items such as musical instruments and items with very small amounts of ivory. That would allow the ban to be practical and enforceable. Parallel measures can also be taken, such as supporting foreign Governments to protect elephants and supporting education around the world.

Albert Owen (Ynys Môn) (Lab): I congratulate the Petitions Committee on picking this topic for debate. The hon. Gentleman talks about what we can do in foreign countries. It is very important that when we give aid to countries, specific conditions should be attached, including on animal welfare. The massacre of the elephant population is the core and root of the problem.

Luke Hall: I completely agree and I am sure the Minister heard the hon. Gentleman's point. As I said, practical measures can be taken, such as supporting education around the world to ensure that the scale of the problem is understood.

During the course of the debate, somewhere between seven and 10 elephants will be killed. They will most likely be shot and then dismembered to extract the maximum value for poachers. The Secretary of State's announcement in September was extremely welcome, but I urge the Government to honour our commitment, ensuring we play our part in protecting one of the world's most iconic species.

4.39 pm

John Mann (Bassetlaw) (Lab): I shall be brief, as ever, Mr Brady. Having spoken comprehensively to my satisfaction and, I hope, to the satisfaction of others in the debate in December 2016, I thank all those who signed the petition for this debate. It is democracy in practice, and the longer the petition had been out there, the more signatures it would have accrued, because there is a feeling in the country and increasing recognition that we are throwing away our future.

I pointed out in the debate in December that this is about my grandson's future, and I can now say happily that it is about both my grandsons' futures. It is not trite to say that. What are we bequeathing them? Of all the many issues in front of Parliament today and on other days, if we are incapable of fulfilling our role to protect for continuing generations the species that freely roam this planet alongside us, we have no role as politicians.

Jessica Morden (Newport East) (Lab): I congratulate my hon. Friend on his new grandchild. He referred to a previous debate in December, when I and other hon. Members here today pointed out that an elephant is killed nearly every 15 minutes, so since that debate, more than 5,000 more elephants might have been killed. Does he agree that time is of the essence?

John Mann: Time is running out for elephants, lions, tigers, snow leopards and many of the other great species. I remember what I did as a kid, so I go out and buy my grandchildren little plastic animals, ready for when they come and visit. Zoos are not what they were in olden days; they are open plains where animals can play and we can move around among them, which is great. I do not want to have to explain, "I've seen this animal in the wild, but you're not going to see it," because we, the human race, have got rid of it, through our stupidity, greed and political inaction.

In 2003, in a much less crowded environment—the message is certainly getting out to the new generation of politicians elected to the House—I successfully introduced an amendment to make trade in endangered species an imprisonable offence for the first time. We went through the issues and the hon. Member for North Herefordshire (Bill Wiggin) sat alongside me on the all-party group and made up the numbers to pursue the issue. It was a bit of a curiosity for many people at the time, but it seemed important and it got through unanimously. We were at crisis point then, but Parliament did not realise it.

The petitioners can see from the number of people present today—more than 30 Members of Parliament, from different generations, are here on both sides of the Chamber—that Parliament is starting to understand the issue. We need effective action from us and, through us, from the Government. I hope the Minister will be more precise than when she responded to the previous debate about what our Government will do. Will we be trailing behind the Communist party in the People's Republic of China? I trust not. I trust that this nation will be the world leader. It is our responsibility. We should not be waiting on any other nation. The fact that parties from every part of the House are represented here demonstrates how the Government's actions will be applauded and supported.

Jim Shannon: Will the hon. Gentleman give way?

John Mann: I will give way to my colleague from Northern Ireland, to demonstrate how wide ranging support is across the House.

Jim Shannon: That support comes from all the regions of the United Kingdom of Great Britain and Northern Ireland. The hon. Gentleman referred to interaction with his grandchildren and to where animals roam on the plains. Does he believe that legislative action in the House must include help for countries that have elephants, hippopotamuses and so on to ensure that they have rangers and helicopters and everything necessary to make sure that those animals can roam and live freely?

John Mann: Those countries desperately need our support. With my mountaineering hat on, I recall climbing Mount Kilimanjaro in August 2016 through what was, 20 years ago, the wild route. It was wild because there were elephants and animals more dangerous than elephants prowling on the slopes of Mount Kilimanjaro. In particular, there were a significant number of elephants in the forest and up on the Shira plateau, but they are not there now. Guides who were with me could recall during their guiding lifetime how many they had seen as adults, never mind as children. That demonstrated vividly to me the crisis in one small part of the world in Tanzania.

Mr Edward Vaizey (Wantage) (Con): I cannot believe that any wild animal would dare to take on the hon. Gentleman.

Danny Kinahan (South Antrim) (UUP): Well, you are.

Mr Vaizey: And look what will happen to me. Will the hon. Member for Bassetlaw (John Mann) clarify his position? If an antique contains ivory and is perhaps in a world-renowned museum, will it be allowed to sell it or lend it to another museum under his proposals?

John Mann: If I were a Minister, I would ban the lot and stop any trade in or movement of ivory. The survival of the elephant is far more important than a museum, however great it and the curators of the modern age may be, however wise, experienced and brilliant they may be and however great their genius. That is nothing compared with the survival of elephants. It is about time we were bold and said that there should be no half-measures, mixed messages, little promises or small steps forwards. A total ban is what I want.

Bill Wiggin (North Herefordshire) (Con): Does the hon. Gentleman agree that the most dangerous of all animals is the Chinese consumer? Nearly all the animals in the list he mentioned are used in Chinese medicine. Piano makers and people who use antique ivory are not contributing to the problem today. We need to tackle what is happening today.

John Mann: The problem today was manifested differently yesterday, and people today will have the same ignorance that people had yesterday—all of us, and I exclude no one, including me—in our past thinking, which is why we need to be brave in our decision making. More importantly, we need foresight in thinking

through what we are bequeathing the planet. As things are going, there will be no elephants or many of the other great species.

Pauline Latham (Mid Derbyshire) (Con): When I first went to the Kruger national park about 12 years ago, I saw a herd of 52 elephants, including the big matriarch to tiny newborns. I am told that people now do not see herds; they see one or two animals. That is the problem we are facing and we cannot afford to wait. Does the hon. Gentleman agree?

John Mann: The reality is that in some countries where we have the wonderful opportunity to visit, someone going out into the bush is as likely to see a carcass as a live elephant. That is the reality in all too many parts of the world.

I will finish on that point because many hon. Members want to speak and my previous remarks are in *Hansard*, not least my calls that everything the Department for International Development and the Foreign and Commonwealth Office do should have endangered species, not least elephants, as a key part of the leverage in all our foreign relations and aid. As well as stopping any trade in this country, we should lead the world. It is our duty to do so and I look forward to hearing from other hon. Members.

4.49 pm

Pauline Latham (Mid Derbyshire) (Con): It is a pleasure to serve under your chairmanship, Mr Brady. I thank my hon. Friend the Member for Thornbury and Yate (Luke Hall), who serves on the Petitions Committee and introduced the debate. It is also a pleasure to follow the hon. Member for Bassetlaw (John Mann), who is passionate about this issue.

It was my birthday a couple of days ago, and although I somewhat dreaded adding yet another year to a number that is already a very respectable cricket score for a batsman, I consoled myself by considering one of the great delights that growing older brings, to which the hon. Gentleman will attest. He has two grandchildren. I am fortunate enough to have five and, on my birthday, I was thinking, as I often do, about my grandchildren, but unfortunately that consideration, so often a source of joy, led me in this instance to distress. I wondered whether all my grandchildren would ever get to see a genuine elephant and, of course, all the other endangered species that have been mentioned. It is an easy and well-worn trick of rhetoric to make such a statement, but on this occasion I really do not think that it is unfounded. Nor is it an unshared concern, because Prince William stated in September 2016 that he fears that Prince George and Princess Charlotte will grow up in a world without elephants—and they are older than my youngest two grandchildren.

In the same month, the International Union for Conservation of Nature stated that Africa's overall elephant population had seen the worst decline in 25 years, due to poaching. Savannah elephant populations are declining at an estimated 8% a year. Facts and figures applied with cool logic often alleviate my more irrational fears, but in this case they serve only to heighten them. Stark reality makes me more, not less, fearful of elephant extinction and the consequences of that for our world and the people inhabiting it, my grandchildren included.

[Pauline Latham]

Since I last spoke in a debate on this issue, which was in this Chamber on 8 December, a minimum of 3,355 elephants have been killed, and that is a conservative estimate; the number could be well over 5,500. Each day, as often as every 15 minutes according to some sources, another elephant is killed, another poacher strikes for greed and gain, another criminal syndicate profits from a corrupt practice, another country sees its rule of law undermined, another ecosystem is degraded and another species comes a step closer to extinction. Between today's debate and 31 March—I do not know whether my hon. Friend the Minister will tell us when the consultation will start and finish, but let us go to 31 March—another 4,800 elephants will die.

Kerry McCarthy (Bristol East) (Lab): Will the hon. Lady join me in trying to nail the argument that this is just about killing animals for the Chinese medicine trade? The police in this country have seized ivory that has been antiqued to make it look as if it is older—pre the 1947 deadline. This is not just about the Chinese market.

Pauline Latham: Yes, I agree with the hon. Lady, and in fact how can an ordinary policeman, who has many other duties, tell the difference between pre and post-1947 ivory? That is just not possible.

For many years, Britain was at the forefront of the battle to fight these appalling injustices, taking centre stage on the issue of combating the illegal wildlife trade within the global community. Many Britons have done exceptional, commendable work on the issue, particularly Lord Hague and Prince William. Sadly, though, the UK is no longer at the front of the race, and I do not understand why. At the end of last year, China confirmed its timetable to close its domestic ivory market by the end of 2017. That—[*Interruption.*] It is indeed too late, but it is better than nothing; we are not doing it. That was a truly monumental step, given that that country has always been one of the largest ivory markets. Hong Kong, a major ivory retail market and a key transit point into mainland China, has confirmed that it will totally ban all ivory sales within five years. Last August, France announced that it would bring forward new legislation for further restrictions on the sale of ivory. Why is Britain not leading; why are we not even following suit?

We should introduce a near-complete ban on the trade of ivory products in the UK. The only exceptions allowed would be out of practicality or for works of genuine artistic value—I am talking about certain works of art ratified by independent art experts, such as the Victoria and Albert Museum. There is a global consensus that domestic ivory markets contribute to the illegal wildlife trade and the poaching of elephants and therefore must be closed, and closed immediately. Admirably, the Government have agreed on a consultation to address these issues—a step that I applaud—but why is it not coming far sooner? As I hope I have proved, every day makes a major difference for elephant populations.

With the illegal wildlife trade conference coming up in London in 2018, the gaze of the international community will be firmly upon us with regard to this issue again. We need to ensure that we can make this conference as

successful as the 2014 one was: we need to take action and prove to the globe that we are willing to lead on this issue once again.

It must be stressed that a move to bring in a ban not only is supported by swathes of non-governmental organisations and wildlife charities, but has been promised in the last two Conservative manifestos and championed by the public at large—we have promised to do that. When surveyed, 85% of people believe that it has already happened and ivory trading is illegal.

I am here speaking in the debate only because more than 107,000 people have signed the petition calling for the closure of the ivory market in the UK. As of yesterday, 265 of those people come from my constituency of Mid Derbyshire. I must point out to the Minister, who is representing the Government on this issue today, that the petition was also signed by 228 residents of her own constituency of Suffolk Coastal. I am sure that she will want to ensure that their views are addressed today. Those of us here are speaking not just to one another, but to the thousands of people who have expressed their concern and demanded that a ban be introduced. I am sure that many of us in the Chamber have different opinions on Brexit. Probably the only thing that we can all agree on is that a major element of the decision came from a real frustration at not being listened to—the feeling that politicians do not hear and, even if they do, they do not change anything. Let us show today that we are listening to what people want and that we are willing to make a change.

Bringing about a ban will do three major things: it will stop the poaching, trafficking and buying of ivory—obviously, it will not do that totally, but it will help in that fight. Those elements are closely interdependent: criminals traffic ivory only because they can make money from it, and people can buy ivory only because it has been trafficked in the first place. Therefore, the ways in which those three elements are addressed must be considered in a coherent fashion.

Elephant poaching is a heinous crime. It not only entails the brutal killing of magnificent animals, but threatens the lives of rangers. I said previously that about 1,000 wildlife officers attempting to protect elephants have been killed in the past decade by poachers. That statistic proves that there is a human, as well as an animal, cost to poaching, but I have to say in this instance that, sad though that is, it is elephants, not human beings, that face extinction.

The UK is not the largest ivory market, but the market here is by no means insignificant, with between 500 and 1,000 pieces being sold every week. Some of those who oppose introducing a near-total ban on ivory claim that there is no evidence that antique ivory is related to elephant killings today. In reality, there exists an international desire for ivory products, and the continued trade in ivory in the UK fuels global demand. There is a wealth of evidence to support that. In 2015, there were 182 seizures of ivory, totalling 250 kg, by UK Border Force. Moreover, we know that criminals will go to great lengths to disguise new ivory as antique. In his BBC documentary, "Saving Africa's Elephants: Hugh and the Ivory War", campaigner Hugh Fearnley-Whittingstall revealed the efforts that criminals make to disguise freshly carved ivory as older pieces. He selected several items that were promoted as antiques in online auctions across the country and through carbon dating demonstrated that six of the nine pieces were actually illegal.

Rob Marris: The hon. Lady has just adduced a very interesting and helpful piece of evidence. She referred to carbon dating—that is how Hugh Fearnley-Whittingstall found those six ringers. Can she give us an indication of how much it would cost to carbon date each piece, to put into context whether it would be better to produce a certificated system?

Pauline Latham: I have no idea; I have never even thought about having anything carbon dated. However, the cost is not what matters. What matters is having something independently certified to prove that it is old and not new. We cannot expect the police or Border Force people to understand and to be able to look at a piece and say, “That’s post-1947 and that’s pre-1947.” It is just not possible.

Victoria Borwick (Kensington) (Con): May I draw attention to what my hon. Friend said earlier? She actually said clearly—I absolutely agreed with her as, I am sure, many did—that genuine experts can tell the difference between genuine works of art. As others in this room have said, the market in the far east is for shiny, modern, contemporary pieces. That is entirely different from the antique ivory sold by our dealers and exhibited in our museums here. To quote my hon. Friend, genuine experts can easily see the difference.

Pauline Latham: I am sure they can and I hope that we will have a system where a piece has to go to a genuine expert before it can be traded and moved out of this country.

It is clear that the sale of antique ivory in the UK provides a false veneer of legality for black markets across the world, because most people cannot tell the difference. Owing to the fact that 31% of ivory exported from the EU comes from the UK, Britain is unfortunately an unwilling but major culprit in the illegal trade and, as such, the killing of elephants. Even those who profit from ivory trading admit that current legislation does not go far enough. Auctioneer James Lewis from Derbyshire, who is in the Public Gallery, admitted that the antiques market contributes to the illegal ivory trade by arguing:

“I’ve been to Hong Kong and the Chinese mainland and I have seen antique ivory on the shelf next to brand new ivory. It is without doubt the case that profits from old ivory are being invested in modern ivory.”

Introducing the ban will deter those trying to traffic ivory, as the stricter legislation will deprive them of the opportunity to disguise new ivory as old. If nothing can be sold, nothing can be hidden.

The arbitrary nature of the 1947 cut-off date dividing antique and non-antique ivory should also be addressed. There seems to be no real reason for why that date is the dividing line when the rule of thumb, I believe, is that an antique must be at least 100 years old. Just extending the cut-off point might make it harder for criminals, as they would have to go to greater lengths to disguise new ivory as old. I believe that a cut-off date of 1900 should be used, because that is a nice clear date for everybody.

Until we bring in a near-total ban I fear that criminals will find a way to pretend that illegal pieces are legal, however hard it might be, just because of the sheer scale and lucrativeness of the activity. The illegal wildlife trade is considered the fourth most profitable international

crime after drugs, arms and human trafficking—we do not approve of any of those, but we seem to think that ivory is okay—and is worth between \$15 billion and \$20 billion annually. Ivory makes up a significant proportion of that market. It is estimated that every year approximately 200 to 300 tonnes of illegal ivory enter the global market. If we introduced this ban, we could change consumer demand as well as customer behaviour. A lower supply of ivory, which the ban would effect, would restrict the amount that could be bought. More widely, the ban would act as a strong symbol that trading illegal ivory is a crime and one that Britain will absolutely not condone. No member of the public will be against this ban. No one can condone the slaughter of yet more elephants.

I have heard arguments against putting a ban in place on economic grounds and because of the impact on business across the UK. To that, I say two things. First, the economic impact would be slight. Antiques dealers sell a variety of pieces and the amount of genuine antique ivory being sold in proportion to other works is relatively minor. Secondly, and more importantly, I want to stress that the real reason for bringing in this ban is not economic, but moral. When did we argue about extending legislation on zero-hours contracts or—an even more dramatic example—abolishing child labour or sending children up chimneys? Those decisions might have had a negative economic impact on certain businesses, but they were still right. We have an opportunity today to help put in place a ban that will save the lives of truly remarkable animals and prevent there being more bloody corpses. I do not pretend that this ban will solve the issue entirely—it is a global problem—but no significant problem was ever fixed with one decision.

Kerry McCarthy: Does the hon. Lady agree that we have a particular role to play in taking the lead in banning this trade because we were the trading nation that reached out to all parts of the world and encouraged this trade in the first place?

Pauline Latham: I agree and this debate shows that this is a truly cross-party issue. This is not about politics, but about saving elephants and we do have to take that lead.

Alex Chalk (Cheltenham) (Con): I accept that banning the domestic trade of antiques in the UK may make some difference at the margin, but does my hon. Friend agree that this must not distract us from the most pressing concern of all—the devastating poaching in Africa? Should we not use our foreign aid to help African Governments to protect wildlife as well as alleviate human suffering?

Pauline Latham: I absolutely agree with my hon. Friend. From sitting on the Select Committee on International Development, I would like to see more money put into Africa. After all, if it loses all its elephants and other endangered species, will it have a tourist trade anymore? It will not. This is important to give other countries a business they can capitalise on so that people can have a lot of fun going and seeing the animals in the wild. I have done that several times and I have taken my eldest granddaughter; she has actually seen elephants in the wild, although the others may not.

[Pauline Latham]

It takes only one step, smaller than the stride of an elephant, to make a difference. Since Roman times, humans have reduced Africa's elephant population by perhaps 99%. We have a chance to protect that final, precious 1% today and I urge the Minister to seize it. We humans may not have the memory of an elephant, but the world will remember if we do not.

5.7 pm

Danny Kinahan (South Antrim) (UUP): I congratulate the hon. Member for Thornbury and Yate (Luke Hall) on introducing the debate today and all those who signed the petition, and on the passion behind it, particularly from the hon. Member for Bassetlaw (John Mann).

I am here to speak because I want the ivory ban in place, but I want us to recognise the importance of the antiques trade in this country. In everything we do, we must always find the right balance. It is absolutely right that we ban ivory—I think the phrase used earlier was “a near-complete ban”—and do so as quickly as possible, but we must also recognise ivory's place in our history and tourism.

I was in Kenya many years ago—it would be terrific to show everyone the wonders of the wildlife there. I remember watching a film of the farmers annihilating some 150 elephants because they kept breaking out of a game park and eating the maize crops. That is the main problem. We should aid those countries so that they can have proper game parks, secure rangers and economies that work. That is where we should concentrate a lot of our effort. The ban would do a little bit to help, but we must recognise that it is just a tiny bit, and that we must do much more work through our aid and world trade.

Richard Benyon (Newbury) (Con): Does the hon. Gentleman concede that people are at the heart of saving the elephant? Work by organisations such as the Northern Rangelands Trust in Kenya has done an enormous amount to make local people understand the value of wildlife. Directing aid and support for communities through that prism is the best possible way to get people and wildlife to live together.

Danny Kinahan: I could not have made a better point. We have to educate everyone in the world, and particularly the Chinese, as many have said today. It is also about showing the Africans the benefit and hoping that tourism, wildlife and everything else helps their countries into the future.

The antiques trade here is worth some £13 billion. I do not want to counter the argument for an ivory ban, but I shall give some facts and figures to make us think more about what a total ban would do. One document I was reading said that up to 2025 tourism will be worth £257 billion to the UK—10% of our GDP—and will be responsible for 3.8 million jobs. Tourists visit some 5,000 to 6,000 venues in the UK that have small and sometimes large antique ivory pieces.

We have to be very careful how we tackle the antiques trade. One or two hon. Members have criticised the existing cut-off date of 1947. The convention on international trade in endangered species guidelines are accepted in the trade, including by the people who know

best about dates and times. It is better to go down that route than to try and work on carbon dating. Changing the date to 1900 may seem logical, but that takes out the two of the greatest periods in art—art nouveau and art deco.

Pauline Latham: When I talked about changing the date to 1900, I was not talking about banning every transaction. All the genuine art deco pieces would be included, provided that they have been verified by somebody independent. That is not the problem. I just want a very clear date that everybody understands.

Danny Kinahan: Having a very clear date is absolutely right. I point out only that a date of 1900 means that we miss out on two of our greatest art movements, so we should keep that in mind. Coming from the other side, I want to see an ivory ban, but I want to see the trade being protected in the right way.

Rob Marris: I am not an expert in these things, but because of the horrors of the atomic bombs in Japan, 1947 does not seem to be a bad date for carbon dating. The hon. Gentleman just said that he does not particularly favour a carbon dating approach. He is much more of an expert than me, so can he indicate how much it would cost to carbon date each piece?

Danny Kinahan: My answer is no—I have never been involved in the carbon dating side of things. I have been involved in working out the provenance and the date so that we have the complete history of where something came from, and the value, but I have never been involved in carbon dating and have no idea how much it costs.

We have watched ISIS destroying Palmyra and the Taliban destroy the two fantastic Buddha statues in Bamiyan. If we had a blanket ban, we would be a little bit on the same page, in that we would be trying to get rid of some of the most beautiful items. If ivory were banned, it would not be looked after because it would be worthless. I have seen that happen with a most beautiful Edwardian shotgun stick. It was made illegal—it was banned—and was left in the local police station. It had to be cut into pieces, even though it was one of the most beautiful pieces I have seen—it had a little gold top and a lion's head and everything on it. Are we really trying to go down that route?

Pauline Latham: May I challenge what the hon. Gentleman is saying? He suggests we would lose all those pieces, but we will not lose anything. They will still exist, and if they can be verified, they can be traded. I am not saying, “Ban all trade.” I am talking about a near-complete ban, so that all the new stuff—all the trinkets—are not traded. We have to have a near-complete ban.

Danny Kinahan: I agree entirely. It is not about a total ban, but a near-complete ban. I am not criticising the hon. Lady for what she said. I just make the point that we need to look after such stunningly beautiful items. If there is a ban, in time more of the items will not be looked after, and eventually there will be none. Similarly, if we do not look after elephants and tigers, there will be none. At the moment, the situation is leaning towards the animals being lost, so we have to find the right balance.

Let me run through some things that have ivory in them. We all know about antique pianos and musical instruments—often, the pieces on violins that people turn to fit and change strings are often ivory, and 95% of our brass and wind instruments contain ivory. Even the bagpipes I was looking at the other day had ivory fittings. Some 80% of all chess sets contain ivory. One of our greatest exhibits is probably the Lewis chessmen, which are made out of mammoth tusk. Those would be banned. We have to work a way through. What we must stop happening is people copying them and then trying to sell them today.

Portrait miniatures from the 18th and 19th centuries were painted on a thin sliver of ivory, and we particularly need to look after those. People carried those portraits with them when they were travelling the world. They are little bits of history—whether we are talking about Nelson, the Duke of Wellington or Robbie Burns. Those little gems of painting would not be looked after, so we have to make sure that we do. On the other hand, there is the Chinese and oriental trade, with some stunning antique pieces, yet at the same time, we have the problem of those being copied and of other things being made today. That is what we have to stop. We have people here in the trade and in our museums who can advise us. I hope the Minister will set up a committee that can give certificates, set the rules, and advise and be dynamic in how we operate the near-ban.

No. 4 in the book, “A History of the World in 100 Objects” is the swimming reindeer, from 11,000 BC. It is made of ivory, as are No. 11, King Den’s sandal label from 2,980 BC, and No. 61, the Lewis chessmen, which I have mentioned. They are very much part of our history.

Mr Vaizey: I do not want to turn this into a pub quiz, but HMS Beagle’s chronometer—object No. 91—has ivory in it. In fact, the British Museum has 13,000 objects that are made of ivory. We have to reach a consensus, which I think is breaking out, that antiques should be exempt from any ban.

Danny Kinahan: I could not have taken a more helpful intervention. That is exactly what I was leading to. The British Museum, which loans pieces worldwide and looks after the items that are the whole world’s history and artefacts, has bought, paid for and kept parts of collections from Iran and Iraq. It gathers in objects from around the world. Think of our museums, galleries and great houses everywhere. The ivory trade is in there in part. Yes, it may be ghastly and awful that that is what people did in the past, but we have to find the balance.

John Mann: Museums also have shrunken heads on display and lend the most famous ones across the world, but that does not suggest that we should allow a trade in shrunken heads today, does it?

Danny Kinahan: How appalling would that be? Yes, I agree with that little point, but on the whole we must recognise everyone’s history and work together to keep all forms of history.

Rebecca Pow (Taunton Deane) (Con): I cannot compete with shrunken heads. Contrary to some hon. Members’ views, the Chinese have announced a ban on ivory for March 2017. Beijing says that ivory trading and processing,

other than auctions of legitimately sourced antiques, will be outlawed, so they have come up with a plan to save their antiques. Does the hon. Gentleman have a view on that? We might learn some lessons.

Danny Kinahan: I rather hope we come up with a plan that is as good if not better. I welcome the fact that the Chinese have accepted the ban, but as the hon. Member for Strangford (Jim Shannon) said, we need to ensure that they actually do it and put the rules and regulations in place to stop the misuse of ivory. Having worked for Christie’s for 18 years, valuing contents in people’s houses and helping to sell them, I have seen stunningly beautiful items that need to be looked after and allowed to be traded. I have also seen the modern stuff coming from Africa that proves that we need to have the near-ban.

I should like to make one final point. I have a very strange exam pass: an O-level in east African history, which is a whole other story. It was a very short O-level, because east Africa’s history is very short—it has only been written up for 200 years, because people passed on their history by word of mouth. For them, the few key items from the past that are made of ivory are their history. As time goes on and the stories are lost, items such as the Benin heads and Benin ivories in the British Museum are key to understanding the Africans and celebrating their history.

We need a near-ban. Let us do it quickly, but let us do it right and ensure that we protect everyone’s history and everyone’s culture. That is the right way forward.

5.20 pm

Victoria Borwick (Kensington) (Con): It is a pleasure to serve under your chairmanship, Mr Brady; I am sorry that my voice today is not quite as strong as it might be. I declare an interest: I am president of the British Antique Dealers Association and I have been advised by the British Art Market Federation, the Antiquities Dealers Association and LAPADA, which comprise a group of Britain’s most knowledgeable and highly regarded auction houses and specialist dealers in fine art, decorative arts and antiques.

The fact that a second ivory debate has been triggered by a petition to Parliament demonstrates the strength of feeling among the public about the plight of elephants. I therefore really hope that we can clear up these misunderstandings about ivory and about antiques. For the record, I must emphasise that the British antiques trade deplores the trade in poached ivory. The most important point that I need to make is that the antiques trade does not support the killing of elephants, nor does it support any system that allows raw ivory from post-1947 sources to be traded. Every hon. Member present agrees that we must look to our future, for our children and our grandchildren, but we must not throw away our past. We all welcome the proposals from my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs to remove from sale all ivory items that are less than 70 years old. Antiques collectors have no interest in items made from modern or poached ivory. We all welcome tougher measures to stop the sale of tourist trinkets made in recent decades.

This is, understandably, an emotive topic, so it is crucial to be factually correct. The e-petition claims:

“From 2009 to 2014, 40% of UK customs seizures were ivory”.

[Victoria Borwick]

That is not correct. For example, the Border Force typically makes 500 drug seizures a month. Cases of ivory seizure represent less than 1% of all seizures. The British Antique Dealers Association's understanding is that the Border Force does not regard the UK as the final destination for poached ivory. Most seizures are of one or two small carved items, often old objects that lack the necessary paperwork. A smaller number of seizures are of tusks and freshly carved trinkets that have arrived here in transit, destined for other countries, and I concur with my hon. Friends that that is something that we need to stamp out.

Last year's TRAFFIC report, backed by the World Wildlife Fund, on the antique ivory trade in Britain concluded:

"Links with the current elephant poaching crisis appear tenuous at best, as researchers found no new or raw (unworked) ivory for sale, and only one item that was reportedly after the 1947 cut-off date for antique ivory."

We all know that the largest market for ivory as a material is in the far east, as other Members have said this afternoon. Buyers there have no interest in most historical objects on sale in the UK; they desire ivory in any form and prefer it shiny and modern. Other EU countries must therefore stop exporting whole tusks to China. As has been mentioned, the Chinese Government's announcements of further restrictions are very welcome, but they have to happen and they have to be enforced. They cannot come soon enough. It is in the far east that we must galvanise our resources. We should stop confusing ourselves on the topic by looking at our own medieval treasures in our museums, churches, homes and antique dealers. We must protect our history.

Rob Marris: The hon. Lady has connections with the antique trade, as she has declared. Can she answer the question that I keep asking, which is whether the antique trade would support some kind of certification system? There is already some paperwork—she spoke about paperwork on seizures and so on. Can she also tell me how much it costs to radiocarbon date a piece of ivory?

Victoria Borwick: Certainly. I can answer both questions. There are many parts of the art and antiques dealers' trade for which we keep catalogues, make certifications and work among trade associations and specialists to keep certificates, records and suchlike. I have absolutely no doubt that when the Minister sets out her suggestions on a committee or a way of taking things forward, the trade will willingly look at ideas about the certification of finer objects with photographs and detailed descriptions of provenance, size and so forth, so that they can be properly catalogued.

With carbon dating, a very tiny item can be destroyed if too much is drilled out, which is why everyone is so reluctant to do it. However, as other Members have said, it is usually easy to tell. The usual cost is a few hundred pounds, but it very much depends on the complexity of the object. With early Chinese and other works of art that have been around for hundreds or thousands of years, there is always a lot of unhappiness about drilling out the left foot, because it inevitably spoils the item. I am sorry if that was a rather longer answer than the hon. Gentleman wished for.

Pauline Latham: I have actually just been emailed that it costs roughly £1,000. The email cites a case in which a Cumbrian ivory trader was prosecuted and the court ordered him to pay more than £1,000 as the cost of radiocarbon dating.

Mr Graham Brady (in the Chair): Order. Before Victoria Borwick responds, I have to say that although it is in order for Members to refer to notes on electronic devices, reading emails that have just been received is to be deprecated.

Victoria Borwick: I think the cost of radiocarbon dating depends on the complexity of the testing required, but I thank my hon. Friend the Member for Mid Derbyshire (Pauline Latham) for her clarification.

The United States Fish and Wildlife Service recognises that antique ivory is a special case that warrants exemptions. People say, "What lessons are we learning from the rest of the world?" Well, in America, although some imports are restricted, federal rules allow trade in legally obtained antique ivory.

Richard Benyon: Does not my hon. Friend think it a pity that in this country we are not being consulted on the American system, which I understand uses a rolling 100-year rule? This year, it has moved from 1916 to 1917. We have not been able to hear the antique trade's view, or anyone else's, on a 100-year ban. Personally, I would like it to be longer, but there must be a way forward without all this complication. We could register these works of art and then move on with a proper ban that would be respected round the world.

Victoria Borwick: That is absolutely the sort of discussion that I know the trade is very willing to hold. I am sure that such a discussion would represent the interests of many hon. Members present and would be a good way of discussing a way forward.

The US Fish and Wildlife Service has stated that old ivory items do not threaten today's wild elephants, so the point is accepted elsewhere. No one has demonstrated that the UK antiques market contributes to poaching today.

Patricia Gibson (North Ayrshire and Arran) (SNP): I wonder whether the hon. Lady could help me out with something that she has said; indeed, it has been said a couple of times today. She has spoken of beautiful, historic ivory objects in churches and museums, and so on, that are part of our history and should be respected as such. Could she explain how the banning of ivory and the ivory trade threatens the beauty or the intrinsic historic value of these objects?

Victoria Borwick: Things have to have value in order to be kept, in order to be valued. Also, as the British Museum has said, these things are part of all our history. Nowadays, we are obviously very upset when people destroy other people's history, and that is exactly the point. Things have to have a value. We have cherished our history, just because it shows our history to our children, our grandchildren—and even the grandchildren of the hon. Member for Bassetlaw (John Mann)—which is why it is so important that we do keep our best.

John Mann: Does the hon. Lady have some evidence that this issue is not a problem? How would she explain the £3,250 fine on Christie's in May last year, or the record 110 kg of ivory tusks that were found at terminal 4 in Heathrow airport in October 2015, which came from Angola and, like other such shipments, was headed eastwards via the United Kingdom? How would she explain those incidents if there was not a problem?

Victoria Borwick: First, as we all know, the Christie's stuff is publicly known—Christie's admits to making a mistake and paid up; that is a matter of public record. As has been said before with regard to the tusks, as we all know, they were in transit and that is what we have got to stop. Every Member in this Chamber, and I am sure that all those watching, would absolutely concur with the hon. Gentleman: we have got to stop the trade and the transit of tusks. There is no disagreement between us on that.

Dr Paul Monaghan (Caithness, Sutherland and Easter Ross) (SNP): If the hon. Lady is so enthusiastic about placing a value on everything, can she tell us the value of an elephant?

Victoria Borwick: Absolutely immeasurable—nobody is disputing that. However, the argument that I am making is that we cannot compare a wonderful live elephant, where the value of the tusk is to the elephant, with something that comes from several thousands of years ago. I think the hon. Gentleman is trying to compare apples with pears, and that is the point I am trying to make to him. He does not have to agree with me, but that is the point I am making: that the value of an elephant tusk is to an elephant. What I am talking about are objects that have been around for thousands of years and are now in our museums.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): The hon. Lady has spoken about priceless antiques being part of our history. Surely the point of today's debate is that we want elephants not to be part of our history but part of our future?

Victoria Borwick: Absolutely—I have no doubt about that at all. There is no dispute there; there is nobody in this Chamber or among those watching who would agree with killing elephants today. The hon. Lady is absolutely right. I am merely saying that, as others have said, when we come up with the new regulations, we must do so very carefully so that we do not destroy what history we do have.

On behalf of the museums I represent in my Kensington constituency, as well as many of the antique dealers, let me say that I genuinely believe—I paraphrase one of the other Members who has spoken—that items of cultural and artistic heritage should continue to be exempt from a trading ban. Our museums rely on, or work with, the trade, in order to continue to develop their own collections. The royal collections have continued to develop and build up their own collections, as was talked about earlier.

The British Museum has stated that restricting the ability of collectors to purchase important works of art would have a detrimental effect on public collections. The British Museum collection includes many significant

objects made from ivory from many different cultural traditions, including objects from prehistory that are carved from mammoth ivory and the Lewis chessmen, which are made from walrus ivory. They are integral parts of the museum's collection and play an indispensable part of its presentation of the history of human cultural achievement.

On this most propitious of days, the Queen's sapphire jubilee, Members will be familiar with portrait miniatures, which were referred to earlier. These are painted on ivory, as they are viewed as having long-lasting and special properties. We should not be thinking about destroying or not treasuring these things.

Richard Benyon: My hon. Friend has twice used the word "destroy". Who is going to destroy any ivory? As far as I am concerned, that is not part of the Government's consultation. I do not think that it is the policy of any Member on any side of this argument, if there are different sides of this argument. Nothing will be destroyed; all those pieces of artwork will still exist. What we are talking about is not encouraging ivory to be poached and elephants to be killed because there is a market in ivory today.

Victoria Borwick: I absolutely agree with my hon. Friend; nobody wants to destroy anything. I was just getting a bit nervous because of some of the talk earlier, so I stand corrected. I am delighted that everything is going to be saved.

As many Members have already done, I could list examples of how ivory has been used down the centuries. The British Art Market Federation has made copies of its reference document available, and I know that one has been placed in the Commons Library.

To conclude, we must stop the current trading in raw and poached ivory, but that is not the same as trading in antique cultural artefacts. To stop that would be like suggesting that the current threats to whales should prevent the sale of scrimshaw and corset bones in the costume collections in our museums. We must separate modern poaching—I am speaking about the importance of our historical objects, in our constituents' homes, in our local antique dealers and on display in our world-famous museums.

There is a huge interest in antiques in this country and there must be antique dealers in most Members' constituencies. The craftsmanship of objects and their historical interest is foremost in the minds of buyers, not the materials used. Many of our constituents will have objects passing through their hands that incorporate ivory, whether little inlays on a desk, a miniature portrait or a tea caddy. A ban would mean that their lawfully acquired possessions would become unsaleable, and not a single elephant would necessarily be saved.

The antiques trade has made it clear that it welcomes the opportunity to share its knowledge by working closely with my hon. Friend the Minister to help to ensure that the proposed ban on the sale of post-1947 items is properly enforced. The trade has a number of ideas for cataloguing, certificating and working together to address the issues raised so forcefully this afternoon. I have no doubt that, working together with the antiques trade, we can ensure that Britain's heritage is protected for future generations.

5.37 pm

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): It is a pleasure to serve under your chairmanship, Mr Brady.

I thank the Petitions Committee and also the public, for the 107,000 signatures. I am sure that members of the public will continue to sign this type of petition until the Government act. My constituents remind me every week of the importance of animal welfare and particularly the importance of preserving and conserving elephant populations. That is important to them, it is important to me and—as we have already heard today from a number of Members—it is important for future generations.

I thank the hon. Member for Thornbury and Yate (Luke Hall) for opening this debate. It is an important and iconic debate at Westminster. I was pleased to speak in the debate last month and it is a privilege to speak again today, because in my mind preventing the ivory trade cannot be spoken about enough in Parliament until action is taken.

As we have heard, 415,000 African elephants remain, but in Mozambique and Tanzania, the decline in elephant populations has been as high as 48% and 60% respectively. As a result, the International Union for Conservation of Nature has concluded that

“Africa’s overall elephant population has seen the worst decline in 25 years, mainly due to poaching”

over the past 10 years. Some people in this House do not like experts, but we should listen to experts on this issue. Experts indicate that wild elephants could be extinct within as little as 20 years. My young children saw elephants for the first time last summer and I will never forget the amazement on their faces. They saw them moving around and saw the baby elephants with their mother, and they still speak of it today. Surely it is incumbent on us to ensure that that opportunity, that experience and that nature is there for future generations. We must preserve this iconic species.

Announcements from the United States and China point to the implementation of complete bans on the ivory trade in those countries. In addition, a number of other nations have implemented restrictions on the sale of ivory, including France and India in 2016, and Hong Kong, forthcoming, in 2021. Will the Minister join me in welcoming those moves, but also give assurances that the United Kingdom will follow suit, to maintain its prominence as a world leader in tackling the issue? It is very concerning that we are no longer at the forefront; sadly, we are lagging behind. Indeed, since the Conservative party’s pledge to press for a total ban on sales in both its 2010 and 2015 manifestos, more than 144,000 African elephants have been poached for their ivory. We seem to be dilly-dallying while the elephants are dying.

Rob Marris: I am genuinely on the fence on this. The hon. Lady prayed in aid of experts earlier. What expert evidence does she have that the total ban she seeks will lessen poaching considerably, or at all?

Dr Cameron: That excellent question is the crux of the matter, and it is something we need to pursue. In my mind, time is running out and we cannot allow that. We are dilly-dallying. If a near-total ban is not enough to preserve the elephant population, then it is not enough.

Those experts are crucial to ensuring that the right decisions are made. The UK public need those decisions to be made and the Government need to follow them. The UK public support a ban on the ivory trade here, so a ban is not against public opinion. In fact, 85% of the public think that buying and selling ivory in the UK should be banned. We must consider the evidence. That is the crux and we must take it forward.

The other issue is sustainable livelihoods in Africa. The elephant brings much to the community and, as a member of the Select Committee on International Development, I am keen to see aid money going towards the conservation of elephant and rhino populations and helping the sustainable development of conservation in African countries.

Consultation takes time, and elephants and rhinoceroses do not have that time. If we want to preserve these species, do we have the time? We must take the lead. I wonder how many elephants have died in the month since I last spoke on the issue. It is so frustrating. If we cannot wait, the Government must act. The elephant cannot become the dodo of our generation under this Government. Is that the legacy this Government want?

The question is: is a near-total ban enough? We need that information. If it is not, then in my mind it is not good enough. It is incumbent on the Minister today not merely to respond, because time is running thin. We need to act. We need to act now, for our children, for their generations and for the human race, because they will forgive nothing less. We have heard today about chess sets, antiques, trinkets and all sorts of things in museums. Yes, we must find a place for those things and try to preserve them, but the crux of today’s argument is that elephants are priceless and we must act.

5.44 pm

Mr Owen Paterson (North Shropshire) (Con): It is a great pleasure to follow the hon. Member for East Kilbride, Strathaven and Lesmahagow (Dr Cameron). I congratulate my hon. Friend the Member for Thornbury and Yate (Luke Hall) on landing the debate, and all those who signed the very significant petition, which has well over 100,000 signatures.

In five seconds’ time, we will have lost our fifth elephant while we have been speaking today. That is the horror of what is going on, and the House must get a grip of the enormity of what has happened. One hundred years ago, there were 10 million elephants. In 1979, the number was down to 1.3 million and, according to the International Union for Conservation of Nature, today we are down to 415,000. We lose 20,000 a year—that is one every 15 minutes. That was brought home to me dramatically when, as Secretary of State for Environment, Food and Rural Affairs, I went to Lewa, a conservancy in north Kenya, in the autumn of 2013.

Picking up on the comments made by my hon. Friend the Member for Mid Derbyshire (Pauline Latham), there was the most brilliant example in Lewa of co-operation between the local landowners—the Craigs, who have been established in Kenya for a long time—and cattle farmers. Together, by establishing a conservancy where cattle raising and the protection of wildlife is encouraged, they have set up a virtuous circle. It is horrendous to go in a helicopter and smell a carcass from 200 feet and then get closer, turn off the engines and hear this weird, bubbling, buzzing sound of the

boiling entrails, the stench and horror of the death of a young animal, which is completely pointless because the rangers have got there and taken the ivory. That brought home to me, however, that there was, potentially, a virtuous circle: local people can be got to value wildlife and prosper as cattle farmers. The most immediate impact of having proper rangers and a proper conservancy was that rangers were around and there was law and order. The centuries-long habit of cattle rustling and stealing therefore stopped. There was active talk of building an abattoir in the locality to encourage a long-term beef business. It can be done.

Two years ago, I went to the Kruger, which my hon. Friend the Member for Mid Derbyshire mentioned, mainly to look at rhinoceroses. It was completely horrendous. I saw four carcasses in one weekend. There are the most enormous elephants there—that should be encouraging for my hon. Friend. Since it is so easy for poachers to come through the fence—the old security fence has lots of holes in it—it is much easier to take a rhinoceros horn, stick it in a backpack and get back over the border to Mozambique than it is to approach the elephants. We are losing a rhino every nine hours. We will run out of rhinos in what is their biggest population in the world. The poachers will then turn on the wonderful elephants, and we will run out of elephants.

I admire the fortitude of my hon. Friend the Member for Kensington (Victoria Borwick) for coming here today, given the terrible operation she has just had, but I am afraid that I wholeheartedly disagree with her. She said that the value of an elephant is immeasurable. Of course it is. This is an absolutely iconic species. Lots of Members have talked about their children and grandchildren. We cannot compare a bit of ancient jewellery, which is not going to be destroyed, with a living animal that is. One every 15 minutes is killed. We will run out. Can everyone just get that into their heads?

I came back from that trip and met the then Foreign Secretary, now Lord Hague of Richmond, who immediately took on board the significance. I also enlisted the support of the then Secretary of State for International Development, my right hon. Friend the Member for Putney (Justine Greening), and we all sat down together, led by officials in the Department for Environment, Food and Rural Affairs. I pay tribute to Mr Jeremy Eppel, who has sadly left the Department. He led the negotiations with other Departments. He also led the huge task of putting together the biggest global wildlife conference that has ever been organised. Sadly I missed the conference because I was having an eye operation, but 42 countries turned up.

Before that, I had been in Moscow talking to the Russian Minister. Great things were being done there with the Chinese about the snow leopards on the border. The Minister gave me invaluable advice on how to work with the Chinese. I also talked to the Chinese Minister, who was keen to come to the conference to explain what China was doing on its elephant population and on conservation in its jungles. The conference was an extraordinary and hugely successful event and we had three generations of our royal family playing a critical role.

The conference came up with three absolutely key targets. One is the reduction of demand. The conference summary was absolutely clear. It said:

“The economic, social, and environmental impacts of the illegal wildlife trade can only be effectively tackled if we eradicate both the demand and supply sides for illegal products wherever in the world this occurs.

To this end, we commit ourselves and call upon the international community to take the following action...Support, and where appropriate undertake, effectively targeted actions to eradicate demand and supply for illegal wildlife products”.

That does not just mean the Chinese and the Vietnamese tackling ivory and rhino horn; that means us. We made a commitment to that in our manifesto, which was touched on by the hon. Member for Bassetlaw (John Mann). Our manifesto stated:

“As hosts of the London Conference on the Illegal Wildlife Trade, we helped secure the adoption of the London Declaration on Illegal Wildlife Trade and will continue to lead the world in stopping the poaching that kills thousands of rhinos, elephants and tigers each year. We will...press for a total ban on ivory sales, and support the Indian Government”.

We are clearly committed to the issue.

We were world leaders. We had the world here. All our extraordinary historical links, including our links to the Commonwealth, our good relations with China through Hong Kong and our good relations with the United States, were enormously valuable. What has happened since then? We should think carefully about that. We had that commitment in our manifesto. We were elected, and we got a majority. What has happened? Sadly, I fear that we are losing our leadership. We did not send anyone to the International Union for Conservation of Nature conference in Honolulu. We certainly did not send a Minister. We then had the CITES conference. On the day, the Secretary of State made a welcome announcement that she intended to bring in a ban on post-1947 ivory. I did not understand why the consultation did not start immediately. It was promised early this year. It is now the evening of 6 February, and the consultation has not yet started.

I hear that there might be complications about a fast track. I am very glad that it is not a slow track, because we have not started. I would like the Minister to respond on this, because it is a fundamental point. According to the document I have pulled off, a fast-track consultation can happen where the measure is low cost, which means that the gross cost to business in-year is less than £1 million. The planned consultation on a post-1947 ban may count as fast track. If it is not fast track, or if the ban is extended to earlier years, how much longer will it take, because 23 September was 19 weeks ago last Friday? In that time, we have lost 12,768 elephants. I would like a specific answer to that. If we do not have a fast track, and go for an all-encompassing, near-comprehensive ban, how long will that take? That is fundamental. In public with Lord Hague, I welcomed as a first step the Secretary of State's announcement of the post-1947 ban. We have written letters, and we have a hundred different conservationists and other people behind us, and what worries me is that we are losing ground.

Several Members have mentioned China. China recently introduced a ban. It is going to stop the use of ivory. I heard late this afternoon from China, verbally, that large companies will be closed in China in the earlier phase before 31 March 2017. That will include state-owned factories and possibly some others. The briefing states:

“According to SFA Notice No.9 2015, there are 34 designated factories and 130 retail outlets in China that are permitted to legally operate in the manufacture and trade of ivory; representing 89 discreet enterprises in total.”

[Mr Owen Paterson]

It looks as if the Chinese plan is that they will be closed, because the notice states, in its first point:

“All the processing and sale of ivory and ivory products will be stopped by December 31, 2017.”

What is fascinating is that the African countries are now looking to China as an example, not us, who held the greatest wildlife conference in 2014. Only two days ago, the *Shanghai Daily* said:

“The European Union (EU) member states should take a cue from China and ban domestic and overseas trade in ivory products, members of the African Elephant Coalition (AEC) said.

We welcome China’s decisive action to close its ivory market. It is a major breakthrough in the battle to save elephants,” AEC chairman Patrick Omondi said.

But we need other countries with legal domestic markets to follow suit and are calling on the EU to take advantage of the momentum created by China and shut down their trade in ivory once and for all”.

What is happening in other parts of the world? Hong Kong has recently announced plans to implement a ban within five years. America has a very tight ban. In some states, such as California, the ban is even tighter, yet we have still not begun our consultation.

The hon. Member for South Antrim (Danny Kinahan) and my hon. Friend the Member for Kensington made comments about the antiques trade. I was fascinated, as the hon. Member for South Antrim said, to find that the antiques trade was worth £13 billion. I got a note from the British Art Market Federation that total sales in the whole arts and antiques market reached £9 billion in 2014. The ivory trade is a round of drinks. Do not tell me that we are going to bring the antiques trade to its knees if we limit the trade in items containing ivory in a measured and sensible manner. Why do we not go to America and talk to the Americans and the Californians and see how they have done it? They have de minimis specifications. They have a limit of 200 grams, so an ancient piano can be sold and does not have to be destroyed. In many ways, that is what is awful; these wonderful creatures died a tragic death, but at least they live on in piano keys. I would like to see such items allowed to be traded, but under very strict conditions.

Happily for the hon. Member for Wolverhampton South West (Rob Marris), I have got the figures for what carbon dating costs. In September 2016, there was a case in Carlisle Crown court, and the judge sensibly directed that the objects, which were described as “cow bone carvings”, should be carbon dated. I cannot tell the hon. Gentleman how many objects there were, but the total cost was £1,134. I have also picked up that the University of Oxford does a cheap deal on a single item for £500. He rightly keeps mentioning that issue, and I think there is merit in it.

I am looking at a near-comprehensive ban. With respect to my near office neighbour, the hon. Member for Bassetlaw, a total ban would not work. A near-comprehensive ban, learning lessons from the States and other countries—it is amazing, but we might be learning lessons from China—is the way forward. It is simply not possible to stop the ivory trade, and it is not possible to maintain the high moral ground and tell other countries what they should be doing if we have not set an example. It is absolutely incredible that we have fallen behind.

Rob Marris: First, I thank the right hon. Gentleman for actually producing some evidence with that £500 figure. He will not be surprised to hear me say this, but it looks like having a certification system at £500 a pop for pre-1947 ivory is the way forward to balance things. He has spoken passionately, and I hope he gets on to this matter. I asked the hon. Member for East Kilbride, Strathaven and Lesmahagow (Dr Cameron) for some evidence that a total ban on the domestic ivory market, which is what the debate is about, will stop or lessen considerably—hopefully to zero—the poaching of elephants. I am not getting a causal connection there, because I am not hearing the evidence.

Mr Paterson: I am grateful to my not-so-distant neighbour for his kind compliments. First, it is easy to cheat, and people in the trade will cheat. Hugh Fearnley-Whittingstall may not be an expert. He is a BBC journalist, and he did a pretty simple test. He bought nine items. Six that were masquerading as pre-1947 were dated as post-1947. We must not underestimate the fact that there is massive cheating.

My hon. Friend the Member for Kensington quoted TRAFFIC. It did a survey in September 2016 of the whole of London’s antique sector. It found ivory items widespread across the city’s antiques markets. The report found that

“the UK plays a role in illegal ivory trade, at both import and re-export, but in particular as a transit country, with ivory seizures reported by the UK having increased in recent years.”

It also pointed out how cheating can go on. It mentioned a fascinating case. As a country, we reported exports of only 17 raw tusks, but importers’ records showed 109 tusks originating from the UK. There is no doubt whatever that an illegal trade is going on and that people are cheating. They give cover to other activities in other markets. We simply cannot take the high ground and ask other countries to ban activities, as the Chinese have done, if we have not set an example. Our proposed ban on post-1947 ivory is sadly now inadequate and is being overtaken by countries such as China and India, which have introduced bans.

Rob Marris: I am grateful to the right hon. Gentleman for producing evidence, but he has left me more confused. When I looked at it, I found that the August 2016 report by TRAFFIC, “A Rapid Survey of UK Ivory Markets”, stated that links between the antiques trade and “the current elephant poaching crisis appear tenuous at best.”

Of more than 3,000 objects sampled, no new or unworked ivory was found. Only one item from the 1960s came after the 1947 cut-off date for antique ivory. Are we reading different reports?

[MRS ANNE MAIN *in the Chair.*]

Mr Paterson: The hon. Gentleman has cited evidence of cheating. The point is that the UK is by far the largest exporter of ivory items among EU members. According to CITES, the EU had a huge export volume of about 1,874 ivory transactions from 2006 to 2015, but we were easily the largest with 25,351. That is 54% of the EU total, and we know cheating goes on. Bluntly, we have to learn lessons. In China, it has always been an iconic key feature of great family occasions—a wedding, a banquet or a state occasion—to eat shark

fin soup. It has come down from on high in recent years and the party establishment in China has said, “We have got to stop this because of the damage to shark populations,” and they have. Habits have changed.

The immediate reaction to ivory is, “Great. There’s world demand. It is marvellous that there is now prosperity in China and people are not dying of starvation as they were when I grew up. Let us let them prosper. Let them buy ivory and let us grow more of the item.” The problem is that we simply cannot farm elephants and rhinoceroses and meet the demand. If there is any legal activity, it gives cover to the illegal activity. That is a tragedy. I would love to be a Hayekian on this. I would love to say, “Let us open up savannahs and grow masses of elephants.”

We cannot cope with 600 million new middle-class people with middle-class aspirations in China, where ivory has great value and is seen to be an investment. That is the worst thing. Some are buying ivory knowing that the supply will dwindle and ultimately disappear when elephants are exterminated, and their product will go up. The answer is to follow what they did on shark fins. Let us simply make this a non-U item. It should simply not be acceptable.

We have stopped drink-driving. It is no longer acceptable in this country. It is very simple. I am afraid I totally disagree with the hon. Member for South Antrim and my hon. Friend the Member for Kensington. It is completely ludicrous to put things on the same level.

Danny Kinahan: Does the right hon. Gentleman not see that we are all on the same page? I want the near ban to protect the animals as much as he and anyone else does. This is a question of semantics. We have got to find an urgent way of protecting the elephants. We do not have to damage the antiques trade. We can do things together, but let us do it quickly. Let us learn from the Chinese and the Americans. We are all on the same page.

Mr Paterson: In that spirit of co-operation, perhaps we could agree among ourselves that we need to close down the majority of the trade in products from live animals, otherwise we will lose the elephant. Perhaps we could have a near-comprehensive ban, which is not quite what the hon. Member for Bassetlaw wanted.

I ask the Minister whether we could extend the consultation, which still has not started yet. I had a good meeting with the Under-Secretary of State for Foreign and Commonwealth Affairs, my hon. Friend the hon. Member for Bournemouth East (Mr Ellwood) and Lord Hague last week, along with DEFRA and Foreign Office officials. As I understand it, there is a possibility that, because the post-1947 consultation has not yet started, we could extend it deeper. We could look at a complete ban or a rolling 100-year ban, as the United States has done, but sadly, I am convinced that a post-1947 ban is worthless. If it falls down on the so-called fast-track rule—we have already been faffing around for 19 weeks—let us go for a full-blooded consultation on a really meaningful ban that is near-comprehensive and look at what the States has done on 200 grams and de minimis. We will not be destroying ancient bagpipes and pianos and absolutely not destroying wonderful ancient painted panels. We would be stopping the trade, which can be disguised and which allows

illegal activity to carry on elsewhere. If we do not do that, we will lag behind and the Chinese will be well ahead of us.

We will be hosting the conference, which I am delighted to say is coming back to London, having been to Botswana and Hanoi, where the Secretary of State made a splendid and resounding statement that she wanted to introduce a ban, but we will still be limping along behind. We have lost the leadership.

Andrew Rosindell (Romford) (Con): I thank my right hon. Friend for giving way and commend him on everything he has done to get the Government to take the matter more seriously. Does he agree that, apart from discussing how we get round the antiques problem, we need to do a great deal more on the ground using DFID to put funding in to help fight this wicked trade? A lot more could be done immediately to support the fight against the illegal trade in ivory if we used our power as a nation and if we used DFID money to achieve some of that.

Mr Paterson: I agree with my hon. Friend. If we had more time, I would talk about the lessons from the wildlife conference, where there was clearly a DFID angle. The three big aims are to reduce demand, improve enforcement—in fairness, lessons from the wildlife conference had a direct impact on operations in northern Kenya the year after—and long-term sustainable economic development. He is absolutely right about that.

To go back to my visit to Kruger, it is near a pretty miserable and poor part of northern Mozambique. It is very easy to spot the rhino horn poaching leaders because they live in smart houses and have smart cars. There is not much economic activity there. When one of these guys gets back over the border with a rhino horn, there is a big celebration. It is absolutely fundamental that we work with Mozambique to bring in sanctions in that country, along with better law enforcement and better judicial arrangements so that there are penalties, which has been done in other countries. We also need to teach them about the value of the animals so that their children and grandchildren will benefit in the long term. The game tourism industry in South Africa and Kenya is advanced and brings in significant income. There is none of that in northern Mozambique, but that is the sort of thing we should be doing.

Rebecca Pow: My right hon. Friend is making an incredibly powerful and impassioned speech. I want to speak up for a project in Samburu in Kenya where they are doing exactly as he describes. We could target more funds that work for the communities to save the habitats and the elephants. We could also focus on carbon dating. If we know products are coming out of those areas, we can isolate them and target the poaching areas that we know are a problem.

Mr Paterson: I am grateful to my hon. Friend for that intervention—I totally agree—which brings me on to the London conference. At the London conference in 2018, we should definitely look at involving DFID and we should look at long-term conservation measures and the development of long-term economic prosperity. We should look at attaching value to the animals and at co-operating with the farming activity. The Minister

[Mr Owen Paterson]

might have ideas on this. We discussed technology last week with her colleague at the Foreign Office. If the poachers get hold of drones and new technology, it would be catastrophic. We need the very latest technology brought to bear.

Sadly, the lesson from the Kruger was that we had a South African major-general—the head of South African Special Forces was his No. 2. He had been involved in what the South Africans politely call 28 incidents. They had three aeroplanes, two helicopters and 700 well-armed rangers, and they still lost four rhinos the weekend I was there. There is no doubt that better surveillance and better intervention is necessary and should be discussed at the London conference.

Another problem is corruption and money laundering. We have great expertise in this country and a proud record under our previous Chancellor of bearing down on corruption in our own country. There are lessons we can export to other countries when we go to the conference.

Another area of real value is sentencing guidelines. We had better start at home. I would be interested if the Minister talked about that, because Justice Ministers are not keen to lean on our officials who apply sentencing guidelines. In 2015, there was a case involving a tiger parts trader, who was found guilty and got only 12 months' community service. She was not fined or given the appropriate penalty. I hope the Minister will comment on that. We can take action now and set examples of better law enforcement for other countries. We should use the maximum penalties. That should also be discussed in the London conference. Will the Minister talk about that, given that the consultation has not started?

Sadly, the post-1947 ban has been overtaken by action in other countries, so we have to go for a near-comprehensive ban. It sounds like there could be an agreement that would satisfy the hon. Member for South Antrim and my hon. Friend the Member for Kensington, possibly using carbon dating, which will thrill my near neighbour, the hon. Member for Wolverhampton South West, and a *de minimis* rule. Let us be practical. We do not want to destroy ancient pianos, so let us go for 200 grams and look at how the Americans and others have done it sanely. Do not forget that other countries will be watching us. This is the key thing: we cannot go to the 2018 conference unless we have the high ground.

6.11 pm

Justin Madders (Ellesmere Port and Neston) (Lab): It is a pleasure to serve under your chairmanship, Mrs Main. I congratulate the hon. Member for Thornbury and Yate (Luke Hall) on the knowledgeable way he introduced the debate. Although some hugely important issues are being debated this week, the excellent turnout in the Chamber shows that ivory is also an issue about which future generations will ask whether we did enough.

We are the dominant species on the planet, but not necessarily the wisest. We have overseen the extinction of countless species over the centuries. We have abused our power, which we should be using to repair the damage we have caused. As we have heard, 30,000 elephants die in Africa each year to supply the ivory trade. The Government committed to ban the ivory trade in their two most recent manifestos, and announced new proposals

to restrict the sale of ivory. There is a general concern, which has already been discussed, that the proposals do not go far enough, as they do not cover ivory products dated before 1947. Some people think they will not substantially reduce the amount of ivory bought and sold in the UK.

We want the ownership of ivory products to be considered socially, morally and legally beyond the pale, but by exempting items from before a certain date, are we not in danger of watering down the message that the objectification of these magnificent creatures is unacceptable? The Government may class pre-1947 works as antiques, but does someone with an untrained eye—such as me and, I suspect, the vast majority of the population—know what is pre-1947 and what is not? It is clear that very few people working in customs have the necessary skills and expertise to know the difference. The date seems arbitrary. A total ban was promised in not one but two manifestos. That is what we should aim for.

This is not the time to dilute messages or measures. This is the last chance saloon. Between 2007 and 2014, the savannah elephant population declined by 30%, largely due to poaching. Forest elephants are declining by 9% per year. The Great Elephant Census, which reported in August 2016, showed that the current rate of decline in elephant numbers is 8% per year, primarily due to poaching.

Evidence shows that more elephants are being killed each year than are being born. History gives us a pretty clear warning about where that leads. Man hunted the woolly mammoth to extinction, but at least we did not then have the global picture to help us understand what we were doing. Then it was a case of survival for the hunter gatherers, but now it is about not survival but personal gratification, trade, greed and sometimes even sport—motivations we should consider abhorrent when talking about the murder of sentient animals.

Let us not forget that, when elephants are slaughtered, they are not without feeling or thought. The Nayaka people, who live in south Indian forests, told of “the elephant who walks alone”. It had a reputation for being aggressive and one day killed a human. The Indian authorities wanted to hunt it down as they considered it a risk, but the Nayaka people refused to help. They said that the elephant had seen its partner captured, which caused it to become angrier. They told the authorities that if they had seen their partner treated the same way, they would have reacted similarly. We all know the pain of losing a loved one, so let us be clear that, when those animals are killed, there is an emotional as well as a physical cost.

With an estimated value of between \$15 billion and \$20 billion annually, the illegal trade in wildlife is a lucrative market for criminals. It is one of the highest-value illicit trade sectors in the world. I agree that the existence of a legal ivory trade serves as a cover for illegal sales of ivory, and continues to perpetuate the cycle of supply and demand. It has been reported that, in recent years, a surge in demand for wildlife products, including ivory, has largely come from east and south-east Asian markets. I would like to hear from the Minister about whether there is more we can do to deal with the countries that the demand comes from. As the right hon. Member for North Shropshire (Mr Paterson) said, tackling the illegal activities in the countries in which poaching takes place is a huge challenge. Are we satisfied that we are doing all we can as a nation to tackle it?

I have to disagree with the hon. Members who spoke in support of the antiques trade. I do not believe that this can be described as a balancing act between the survival of elephants and the continuation of the antiques trade. The trade will carry on without ivory. It will adapt and survive, but elephants will not have that option if we carry on down this road.

There have been a number of speeches today, so I will be brief. I will conclude by naming several animals: the eastern cougar, the western black rhinoceros, the Japanese river otter, the Pinta island tortoise, the Cape Verde giant skink, the Formosan clouded leopard, the Scioto madtom, and the Bermuda saw-whet owl. It is not a particularly long list, but every name on it should serve as a warning to us that we are responsible for our actions—not just to each other, but to all other creatures on the planet. All those animals have been declared extinct in just the past five years. When advances in technology and understanding give us the power to do things that were unimaginable even 10 years ago, it is to our immense shame that there are still one or two extinctions every year. I do not want a list read out in three or four decades that includes elephants. This is our last chance. If it comes to pass that we read out a list of extinct animals that includes elephants in the future, the next generation will judge us harshly, and they will be right to do so.

6.17 pm

Rebecca Pow (Taunton Deane) (Con): I congratulate my hon. Friend the Member for Thornbury and Yate (Luke Hall) on securing this debate. As I rise to speak, a 10th elephant has probably died—although my right hon. Friend the Member for North Shropshire (Mr Paterson), who made an exceedingly good case, spoke for such a long time that it might be a 20th elephant.

It is telling that we are debating this subject again just two months after we had virtually the same debate in this place, but so many people signed the petition that we were driven to have another debate, which has cross-party support. The fact that so many people—including many in Taunton Deane, where, as far as I know, we do not have any elephants—signed the petition shows that there is so much passion for ensuring that these creatures remain alive. The all-party group for animal welfare, which I co-chair, spends much time talking about domestic animals, but we also deal with international animals. Ivory is high on our agenda.

As has been said, something like 30,000 African elephants have been slaughtered in just the past year. There are only 450,000 African elephants left. That figure will be halved in six years. Allowing that to go on around us is a shocking reflection on our society. The death of just one elephant is a death too far—elephants are too valuable. This summer I visited one of those wonderful conservancies in Kenya. Seeing abandoned baby elephants is heartrending because they cannot cope on their own. They do not really grow up and cannot leave their mums until they are about eight years old. That is one small, heartrending angle on the situation.

The ripples caused when only one elephant dies go right out into the community and affect the whole habitat. The creatures live in families, but the death has a knock-on effect on the communities, too, which now very much work with the elephants in the conservancies, as we heard from my right hon. Friend the Member for

North Shropshire. We might describe that as an economic angle, because tourism is part of the drive to keep the elephants and to look after the wildlife, but it is about maintaining the entire biodiversity and habitat. We are talking not only about killing elephants, but about the big knock-on effect.

The illegal wildlife trade is now the fourth most lucrative transnational crime. It is also a dangerous activity. Poachers bring in increasingly sophisticated weaponry to many areas, as well as a lack of respect for the environment and the communities. The effect is to destabilise those communities. Over the past weekend, there were worrying reports of unrest in some conservation areas in Kenya, namely Laikipia, where some excellent conservation work is carried out to help species to survive, including elephants. Survival in that excellent conservation project is alongside the people. The unrest does not relate directly to poaching, which is not what caused it, but unrest opens the door to the poachers to creep in to kill more elephants.

I asked the director of the Sarara sanctuary at the Namunyak Wildlife Conservation Trust, in Samburu, northern Kenya, about whether poaching was increasing. He stressed the whole-system idea—the multifaceted approach in which conservation works alongside communities so that wildlife may thrive. By creating a potential market for ivory, we are certainly adding one more strain on those areas and projects, destabilising them. I totally support calls for DFID funding to contribute further to such conservation projects, because they will result in help for the elephants.

I welcome the Government's forthcoming ivory consultation, but I press the Minister to include pre-1947 ivory. To consider only what we describe as "modern day ivory" is to miss the opportunity completely. We all appreciate that Government time, money and resources are exceedingly tight—the Department for Environment, Food and Rural Affairs has many concerns on its table at the moment—but I am concerned that considering a ban only on post-1947 ivory in the consultation is almost a waste of our resources. As has been said, surely we would still soon have to readdress the whole issue.

As a nation—this has been much commented on—we should be keeping up with the rest of the world. Normally, we are at the forefront, leading the way on animal welfare. We pride ourselves on that.

Victoria Borwick: My hon. Friend is absolutely right. After all, America has a rolling 100-year plan, China has said that it will again consider exempting antiques when it brings in its arrangements, and France already exempts antiques. As she says, there is a lot of good will about making progress, and the idea of some sort of rolling scheme might be a way forward.

Rebecca Pow: I thank my hon. Friend for her intervention, and I congratulate her, too, on speaking in the debate today, which was exceedingly brave. We understand many of the points made by the antiques trade, and we are not anti it. Antiques are a massive part of our history and I even have had handed down to me some ivory heirlooms—ancient broaches and bracelets. Not for one minute do I think that anyone is suggesting that I should crush them or throw them away. Indeed, I would like to hand them on to my children, because they all have a story. Antiques are part of our nation

[Rebecca Pow]

and our history. We will be thinking about a modern day ivory ban, however, so we should not miss a huge opportunity to do more. In the Chamber today we have heard some sensible ideas. Will the Minister kindly comment on that 100-year rolling plan?

I was making the point about how we should be leading the way and continuing our wonderful record on animal welfare. We need to get to grips with the issue forthwith. Obviously, we will not solve the problem overnight, but the tide can start to change. Given the actions of the Chinese Government, who have expressed their disappointment with our actions, and the growing prominence of the CITES treaty, we must not shirk our responsibilities. As the same time, however, we need to be clear about the direction that we will take and how we intend to deal with the situation.

I recognise that on paper we already go further than the CITES requirements, which only mention banning post-1990 ivory. I also understand that the use of the 1947 date is in part due to EU regulations. If we ban the sale of all ivory, enforcers would need a recognised dividing line. We are large contributors and supporters of enforcement efforts throughout the world. I applaud that, as I do the positive moves of the Government domestically to save the national wildlife crime unit. We have a good record and so must not be too negative about it. We need to use our strengths and to move on.

To sum up, I gently remind the Minister, who has a good heart in such areas, that both the 2010 and 2015 manifestos state that we will press for a total ban on ivory sales, so to consult only on post-1947 ivory seems to be shirking our responsibilities somewhat. With many hon. Friends and other hon. Members, I urge the Government to get on with the consultation soon, but it should not unduly affect museums and other places that hold historic items and heirlooms. There are many good suggestions of how to deal with the issue, including those of the World Wide Fund for Nature.

The introduction of a total ban would be welcome not only for the elephants and by the communities where the elephants live, but by all those animal lovers from Taunton Deane and further afield who have signed the petition. Surely we want an environment that works for everyone and everything. The Minister has already done great work with the introduction of a microbeads ban to protect our marine habitat—a forward move by the Government—but we need to protect everything, from our ancient trees to our nematodes in the soils and, in particular, those gentle giants, the elephants. It would be a very sad reflection on our society if we are unable to take that small step for the sake of those glorious fellow creatures.

6.28 pm

Patrick Grady (Glasgow North) (SNP): It is a pleasure to serve under your chairmanship, Mrs Main.

I thank the Petitions Committee for bringing the debate forward and I congratulate the hon. Member for Thornbury and Yate (Luke Hall) on one of the shorter speeches so far, which nevertheless comprehensively introduced the topic. These Monday evening e-petition debates often have a box office quality about them and clearly attract the interest of our constituents and the public, so I wonder, as a member of the Procedure

Committee, whether we should look at ways to get some debates on the more important and well-subscribed issues into the main Chamber, as well as here in Westminster Hall.

One hundred and twenty-seven of my constituents signed the petition that we are discussing today, and several of them made a point of requesting that I participate in the debate. I was keen to do so in any event, because I wish to focus on DFID funding, which has been mentioned a number of times already, and the global impact of the ivory trade, which the petition mentions specifically.

I want to pick up on one thing first. The hon. Member for Hertsmere (Oliver Dowden), who is no longer in his place, made a rather obtuse intervention about climate change. I am not entirely sure what he was getting at. To try to pretend that these issues are not interrelated is to misunderstand the situation. Climate change was described by Lord Stern as the “biggest market failure” of modern history, and it affects elephant populations just as much as human populations—in fact, perhaps doubly so, because people may well be driven to poach elephants if they cannot find sustainable livelihoods for themselves. If, because of climate change, people are displaced from their land or cannot grow crops to feed themselves and their families, they will look for other means of generating an income. To pretend that the debate about tackling climate change and the debate about protecting biodiversity and elephant populations are mutually exclusive is to misunderstand the nature of the debate as a whole.

The main conversation has been about the importance of a ban on the domestic ivory trade and how that will affect the broader illegal trade around the world, prevent money laundering, and so on. As other Members have said, we have to tackle both supply and demand. We can play a role in developing countries by using the expertise that we have here in the United Kingdom. The Government of course have a responsibility here; sustainable development goal 15 commits all the parties that are signed up to it to protect ecosystems and halt biodiversity loss, so there is a global agenda in play even as we discuss the domestic market. As I said, one of the best ways of doing that is to ensure that poaching is not the most lucrative option for people who live in otherwise pretty desperate and poor circumstances. Any initiatives and support that help people to diversify their incomes, pursue genuine economic development and education opportunities, and all the rest of it, ought to be welcomed.

There has been some discussion about DFID funding, and I think that has been conflated a little with aid. The 0.7% budget is welcome, and I hope that the Minister will restate this Government’s commitment to that in this and future spending rounds, as other Ministers have when I pressed them to. Although I would like as much of that money as possible to be spent by DFID, if the Government insist on spending some of it through other Departments, tackling the ivory trade seems a pretty worthwhile use of that additional or alternative spending. It is certainly a much better alternative to some of the securitisation that we have seen and some of the commercial investments that have been discussed elsewhere. I note that an initiative to tackle poaching already exists in Malawi. That was announced at the various conferences that we have heard about, and the UK Army is involved in it. It would be interesting to know whether that will be classified as overseas development assistance.

Some aid money and UK expertise have been used in counter-terrorism initiatives. I wonder whether some of the approaches that have been used to disrupt Daesh and other terrorists—tackling cyber-communications, shutting down illegal bank accounts and so on—could be used to disrupt poachers and traders in the illegal wildlife and ivory trades, who use many of the same techniques. Perhaps that expertise can be used to take forward some of these goals, too. The hon. Member for Ynys Môn (Albert Owen) made a point about the conditionality that is sometimes attached to aid, and that is also worth considering, especially if money goes to Governments rather than international development organisations.

Finally, there has been discussion about the antiquities and antiques markets. It is important to draw a distinction between antiques and antiquities. I do not think anyone suggests that incredibly valuable and historic pieces such as the Lewis chessmen should be covered by a ban. Most of those things are priceless and will not be traded or sold in any meaningful way. We welcome the fact that the British Museum has permanently loaned the chessmen back to an exhibition in Lewis and the Western Isles. That is where the distinction between a total ban and a near-total ban comes in. It is important to learn lessons from other parts of the world—particularly the United States. The idea of defining an antique as something that is more than 100 years old, which would mean that the date changed year on year, is well worth exploring. The UK Government ought to consult as widely and as soon as possible. They must explore all options, ensure that all the lobby groups and everyone who has provided briefings have their views heard, and take the best advice possible.

Another reason for preserving antiques and antiquities is that our interpretation of them may change over time. Intricate and beautiful works of art may have been created in a time of ignorance or less understanding about the damage that was being done to the planet. We should remember that, which may help us get to the point where it is perhaps not the elephant itself but the successful campaign to save the elephant that is legendary.

6.35 pm

Rachael Maskell (York Central) (Lab/Co-op): It is a pleasure to serve under your chairmanship again in a debate about the domestic ivory trade, Mrs Main. I thank Ellen Cobb for creating the petition, and the 107,000 people who have signed it so far. We know that they speak for the 85% of the population who want this Government to introduce a total ban on the ivory trade, but 8% of people believe that such a ban is already in place, which takes us even further into why the Government need to move on this issue.

We have seen progress in China since we last debated this issue, and I very much concur with the many Members who have talked about us now being followers rather than leaders in this movement. We must pick up the pace, because the pace around this issue is definitely picking up out there in our communities. The world is watching on in horror as these majestic, sensitive—we have heard about the way that they live in families—and beautiful animals are butchered, yet we are no further forward with the Government.

What progress has been made in the 50 days since we last debated this issue? If we take the figure of one elephant being killed every 15 minutes, nearly nine

elephants have been slaughtered since this debate began, and 4,811 elephants have lost their lives since I last spoke about this issue. But this is not just about elephants; we must remember the rangers who guard those elephants, and some 17 fellow human beings have lost their lives. We are talking about the most heinous crimes, which are destroying these beautiful animals. There is much frustration across the country, as there has been in the Chamber today and as there is, I understand, in the Cabinet. People are baffled that the Government are not moving further, faster. We want the pace to pick up as a result of today's debate—I have picked that up from every single contribution—and I trust that the Government will respond.

We all have a responsibility. We have heard how important it is for our generation to ensure that we do everything that we can on our watch to introduce a ban and ensure that it picks up pace. Non-governmental organisations have done amazing work; they have campaigned and raised awareness. It is through that awareness that we become more responsible for our actions here. I want to put on the record my thanks to them.

Dr Cameron: Will the hon. Lady join me in congratulating Stop Ivory, which I meant to mention in my speech? It has really put this issue on the agenda and at the core of what it does, and ensured that public support is targeted and the campaign moves from strength to strength.

Rachael Maskell: Absolutely, Stop Ivory has done a wonderful job, as have the International Fund for Animal Welfare, the WWF, Tusk and Save the Elephants. There are so many organisations out there—I would not want to draw out one in particular—all working together, I hasten to say, because they have one objective. I think we can see that right across the House we share an objective with them to move forward on the ban.

As we have heard, what we are talking about is getting on top of criminal activity. Surely the Government's first focus should be to get on top of what is happening, which is happening in conjunction with other criminal gangs, drug rackets and sales of arms. We know that there is an interconnection, and it is so important that we get on top of that criminal activity. A full ban is one way of bringing an end to those gangsters' deplorable activity. From the statistics we have heard so many times in this place, we know that 200 to 300 tonnes of ivory are being stolen from elephants. That is bringing in £10 billion to £20 billion of blood money. Therefore, shamefully, we are complicit with that agenda if we are not doing absolutely everything in our power to stop the trade.

I want to come on to the consultation, which we have not seen yet, and the date of 1947. We were promised it at the last debate, but another two months have passed and we still do not have it. I know that DEFRA has so much on its agenda at the moment, not least dealing with the EU, but elephants cannot wait for those distractions. We need to put our foot on the accelerator. Let us move on today. Let us resolve in this place to move on and fast-track our approach in taking this forward.

We have seen how fast China has moved. A vaster, much more complex country than ours is talking about putting a stop to the process in just three months and putting a full ban in place in 12 months, so there is no reason why we have to spend months in consultation or

[*Rachael Maskell*]

thinking about consultations and what questions to ask. Let us just be honest and straight, and let us just move on. I therefore ask the Minister: why the delay on such an important issue? Can we not just get on with bringing in the ban? She will not find opposition across the House or across the country—in fact, people will get behind her. I therefore urge her to move on with that.

I want to look at the date of 1947. I believe I said in the previous debate that it is a rather arbitrary date, so why are we so rigid on that? Why do we not move forward? We have heard about the US and its 100-year rolling programme, which is perhaps one approach that could be taken, but why do we not move to a total ban? We have heard questions such as, “How can you tell what year it was bought?” Carbon dating is one way of doing that, but again I ask the Minister a question she did not manage to answer the previous time I challenged her on this point: can we tell the difference between ivory from 1946 and 1947 or from 1947 and 1948? Where the margins are so fine, why do we complicate things by drawing false demarcations rather than moving forward to a total ban? As we have heard, the human eye cannot necessarily spot the difference, as pieces of ivory are made to look more antique. We also know that paperwork can be forged. It is therefore important that we do not draw arbitrary lines and then try to justify it around the edges. We must have the courage of our convictions to say, “This is wrong,” and to move on from that.

Victoria Borwick: The hon. Lady is right about the difficulty of those details when something is made entirely of ivory. Of course, ivory often forms part of something else. Therefore, we often date, for example, a clock, a piece of furniture with an inlay or another decorative object on the other items. For example, it is easy to date ivory that appears in a silver teapot where it acts as the handle or an insulator. Although this debate is all about ivory—one of the reasons the date was chosen was because it is pre-convention—where ivory appears in something else, the date of the ivory can be assessed from the rest of the item.

Rachael Maskell: The hon. Lady knows so much about this subject matter—[*Interruption.*] She denies it. There may be other contributing factors, so that still does not necessarily date the actual ivory, and that is the subject for today’s debate. We have to move on from trying to draw arbitrary lines and making judgments, either with the human eye or with carbon dating—we have had contributions about the costing of that—and say, “Why make things so complicated, when out there across the country and in this House we want a total ban?” Let us move on from that debate. Let us be really pragmatic and bring in the total ban.

Rob Marris: My hon. Friend is making a powerful case. I am trying to be pragmatic. I keep pressing for the evidence. I have to say to her, with all due respect, that she is assuming what she is trying to prove, and I do not accept that as a legislator. She assumes that a total ban will save elephants. Can she give me evidence for that?

Rachael Maskell: If my hon. Friend will hold on for now, I will move on with my speech. I will pick up those issues. The problem is, as we argue and debate in here,

the gangsters out there are laughing at us, as they are still making their millions on the back of dead elephants. To be seen to take leadership on this issue and to control the agenda, it is so important that we now move forward and see that total ban. We know that the Government promised that in their manifesto, and I have made it clear that Labour would also bring in a total ivory ban, so let us move forward on this today.

The clock continues to tick. We keep debating this issue, and I dare say that if movement is not made in the Minister’s contribution today, we will be back here again and again, and at question times, continually saying, “Let’s move forward, because there is a majority view of how we take this forward.” We cannot go back to the CITES conference or to Hanoi in 2016, or look back to what China has said. We are in 2017 and we have now got our opportunity to make our mark. I therefore urge the Minister to do that, because in 2018 I do not want the UK to be on the world stage as apologists. I want to ensure that we are proud of what we have achieved to save the elephant.

I want to pick up the point that this is not just about a total ban; there has to be a wider strategy built around that. That is right, and that goes to the point made by my hon. Friend the Member for Wolverhampton South West (Rob Marris). We have to make sure that we move forward. We have heard about the work that the Ministry of Defence is doing: the 1st Division is out there, training up people in the parks to ensure they have better security. That is part of the strategy and, as we have heard, education from the NGOs is absolutely vital, so that this generation and the next understand what is at stake.

We also need to think about what is happening with antiques, as we have heard debated today. I want to pick up the point strongly argued by the hon. Members for South Antrim (Danny Kinahan) and for Kensington (Victoria Borwick). I will take issue once again with calling them beautiful works of art. I am sorry, they are not. The reality is that animals have died for their production. We need to be honest about what we are dealing with. The problem is, every time these objects are glorified, value is added on to them and on to ivory. We want to see the value taken out of ivory. We do not want these items displayed as glorious parts of our heritage. It is a shameful part of our history, and we should name it as that and realise what we did in leading the world in those trades. We need to move on in the way in which we look at these pieces and name them for what they are.

Why have them on display? The Minister made an important point in the previous debate when she said that perhaps we could take them off the shelves of our museums. Perhaps that is the right way forward. I thought that was a progressive point, because that is a way of taking the value out of these items. That would be a first step in saying that they do not hold the value we have placed on them, and that would be a step forward.

Tim Loughton (East Worthing and Shoreham) (Con): I apologise for not being able to attend the debate from the beginning, Mrs Main. I entirely endorse all that the hon. Lady says about the need to clamp down on the criminals who are now killing a precious species, but what she is saying is fundamentally wrong. The value

in the ivory products that came from the tomb of Tutankhamun or the royal graves at Ur, or exquisite pieces of Louis XVI furniture, is not in the ivory but in the workmanship and historic context in which they were produced. Given what she says, why, by the same token, does she not call for a ban in the trade in jewels produced from blood diamond activity—the result of the deaths of thousands of human beings, and not just elephants? How is it that we would save a single elephant by not having the 1947 cut-off?

Mrs Anne Main (in the Chair): Order. Can hon. Members keep interventions brief? We are nearing the end of the debate.

Rachael Maskell: I absolutely agree. Blood stones—the fact that we have put our ideas of worth above the natural value of our fellow human beings and animals: that is wrong. The hon. Gentleman missed that very point, about the value we put on antiques versus the value of animals that will not be with us much longer, being made earlier in the debate. That is why it is vital to move on. We will mourn, on the day when elephants no longer roam the savannahs of Africa. We are now at the point when we cannot say that our values—our greed and the fact that we want those objects—are more important than saving elephants. It is important to move on and pick up the pace, rather than delaying and dragging our feet. We must put something in place now—including introducing tougher sentencing, as mentioned earlier. That is an important part of a wider package, as is getting on top of the cyber trade, and making sure that there is infrastructure for policing the elephants' habitat.

We are dealing with organised criminality and we need to do so with the severity it deserves. Therefore let us move on. The Minister has an opportunity not to drag us forward slowly, following other countries, but to take leadership on the issue again and issue a total ban on ivory. That will make ivory pieces worthless—in the sense that the worth of the elephant will come first. I do not think that she will hear a cry from across the country if we do that. It is an opportunity to lead and I trust that the Minister will do so.

6.52 pm

Patricia Gibson (North Ayrshire and Arran) (SNP): I am delighted to be taking part in the debate. I extend my thanks to the hon. Member for Thornbury and Yate (Luke Hall) and congratulate him on obtaining it.

Like many hon. Members in the Chamber and many people throughout the world, I am deeply concerned about the decline in the population of elephants. The UK Government have committed to a ban on post-1947 ivory, but, as has been pointed out, action has so far been thin on the ground. Today's debate is the result of a petition with more than 107,000 signatures, calling for a shutdown on the domestic ivory market in the UK. That petition is indicative of the strength of feeling about the barbaric practices that the ivory trade fuels.

Many warm words have been spoken about reducing the trade. In 2015, the US and Chinese Presidents pledged to enact near-complete bans on the import and export of ivory. I sincerely hope that the progress made in the US will not be reversed under the new regime. China has also committed to gradually stopping the

processing and sale of ivory for commercial purposes by the end of 2017. That is believed to be extremely significant, since according to experts China buys 70% of the world's ivory products.

The slaughter, however, continues in horrifying numbers, and it is hard to see, when such barbarity is going on, how the beautiful creatures that are being destroyed can sustain themselves as a species. Ivory dealers employ armed poachers who in turn target entire herds of elephants, shooting them with automatic weapons and hacking off their tusks with axes and chainsaws. The tusks are fed into the illegal international ivory trade, which is controlled by highly organised criminal syndicates. That trade feeds demand for ivory products in Asia, Europe, the USA and elsewhere. It continues to bankroll the destruction of elephants.

The history of the ivory trade is too long and too bloody. Investigations by *National Geographic* uncovered the fact that elephant ivory is now a key source of funding for armed groups in central Africa such as the Lord's Resistance Army. *National Geographic* commissioned the creation of artificial tusks with hidden GPS trackers, which were planted in the smuggling supply chain, starting in the Central African Republic. They averaged 16 miles a day, crossing the border into South Sudan. The price of ivory can rise tenfold as it moves through the supply chain. For a pound of ivory, middlemen in the bush pay poachers anything from \$66 to \$397. As tusks reach Asian markets their value skyrockets and they are used for carving in art and jewellery.

The savannah elephant has declined by 30% between 2007 and 2014, largely owing to poaching: 144,000 elephants have been lost—about 96 a day. Even in protected areas, such as parks, a huge number of carcasses is reported. Embattled park rangers are often the only defence for wildlife and villagers. Increasingly, park rangers speak of being there to protect not just the land and animals but the people who live around the park. Worryingly, studies have shown that more than 90% of ivory in large shipments seized between 2002 and 2014 came from elephants that died less than three years before. That demonstrates that it is not taking long at all for illegal ivory to make it to the marketplace, which testifies to the fact that there are large networks for moving ivory across Africa and out of the continent.

What we need, to stop that horrific practice, is international co-operation. We need it as soon as possible if elephants are to survive as a species. That is how urgent the matter has become. All countries around the world need to introduce a complete ban on the international and domestic ivory trade. As has been said, there was a pledge to do that in the Conservative party's manifesto, but so far the Government have not acted.

I want to take issue with some things that have been said in the debate, which I and I am sure others listening to it found bewildering, if not chilling. To suggest that a ban on ivory puts us on the same page as the religious fundamentalists who destroyed Palmyra is not only absurd but a little hysterical. The hon. Member for South Antrim (Danny Kinahan) said that that was so. I found it quite distressing when he talked about antiques—trinkets with pretty gold tops. Religious fundamentalists destroyed Palmyra deliberately, but a ban on ivory will not destroy trinkets or important historical pieces. Banning trade in ivory does not mean we lose our history; it means we remove the conditions in which the ivory trade thrives and continues.

[Patricia Gibson]

The hon. Member for Kensington (Victoria Borwick), to whom I pay tribute for attending and speaking so well while suffering from a malady, spoke about the beautiful historic ivory objects in churches and museums, but I am not convinced that banning the trade in ivory threatens their beauty or intrinsic historical value. It seems from the answer she gave me that if historic artefacts cannot be valued in pounds, shillings and pence, they have no value at all in the eyes of the world. I find that extremely depressing.

I believe passionately that as long as there is an ivory trade of any kind, the illegal ivory trade will continue. We have already heard about the difficulty and the prohibitive cost involved in trying to date an ivory product.

Mrs Anne Main (in the Chair): Order. May I ask the hon. Lady to bring her remarks to a close, as I want to call the Front-Bench speakers at 7.

Patricia Gibson: Perhaps I may just address my remarks to the hon. Member for Wolverhampton South West (Rob Marris), who spent most of the debate trying to get an answer to a specific question about the relationship between a total ban on ivory trading and poaching. If we can get a total international ban, it will make ivory much more difficult to sell. The more difficult it is to sell, the fewer buyers there will be. That will reduce the price of ivory, because there is no one to sell it to.

We need to push for a total ban. Time is running out. The United Kingdom could do something good here. It could lead in this battle and use its international influence. I urge the Minister to tell us what plans she has in that direction.

7 pm

Dr Paul Monaghan (Caithness, Sutherland and Easter Ross) (SNP): I am grateful for this opportunity to debate the crucial issue of protecting our planet's wildlife. As we have heard, the magnificent African elephant is at grave and immediate risk from slaughter by poachers for its ivory tusks.

I suspect that many people watching this debate at home, including my constituents, will be wondering why we are debating the plight of elephants again today. Indeed, the many people who signed the petition are, I suspect, bemused that Parliament is again debating a subject that all right-minded people consider incontestable. Many agree that it is incontestable because they are familiar with the plight of the African elephant: they have seen how they are ruthlessly killed and slaughtered; how poachers use axes and even chainsaws to hack into the elephants' faces to access their tusks; and how all of that is done in front of their young, without a second thought as to the horrific impact on their psychology.

We know that elephants are intelligent, social animals with complex social structures, subtle systems of learning and sophisticated communication, but we are only beginning to recognise the true impact of this slaughter and how it is endangering the species and the ecosystem within which these animals live. Sadly, we are having this debate because the UK Government are contributing to the conditions that encourage the slaughter of these

animals and have failed to deliver the promises made in the Conservative party election manifestos of both 2010 and 2015, for which many people voted.

In September 2015, the then US President Obama and China's President Jinping together pledged to enact near-complete bans on the import and export of ivory. They are to be commended for their pledge, which they upheld. In June 2016 the US Government introduced new regulations to ban the trade in ivory, and at the end of 2016, China announced that it too would introduce a ban on all ivory trade and processing activities by the end of 2017. India, Hong Kong and France, along with almost all African countries, have also introduced bans on ivory trading. In contrast with the United States, China, Hong Kong, India, France and many African nations, the UK Government have failed to act. As my hon. Friend the Member for North Ayrshire and Arran (Patricia Gibson) noted, that is regrettable.

Despite the Conservative party manifesto of 2010 noting,

"To give wildlife greater protection, we will... press for a total ban on ivory sales and the destruction of existing stockpiles"

and the 2015 manifesto then explaining, under the heading "We will tackle international wildlife trade",

"We will... press for a total ban on ivory sales, and support the Indian Government in its efforts to protect the Asian elephant"

the UK Government have done almost nothing. It is largely because the UK Government failed to deliver on their manifesto commitments that e-petition 165905 was signed by more than 107,000 right-minded members of the public. Many will be watching this debate today, and I congratulate and thank each of them for creating this opportunity. In fact, 85% of the public think that buying and selling ivory in the UK should be banned outright.

The e-petition rightly notes that 30,000 African elephants are slaughtered every year just for their tusks. Despite the promises that have been made, the UK Government have still not outlawed the trade. From 2009 to 2014, 40% of UK customs seizures were ivory items, and yet that evidence of an horrific trade has not been sufficient for the UK Government to implement promised action to ban the trade in ivory and fully commit to outlawing the markets that fuel the wasteful slaughter of elephants. As my hon. Friend the Member for East Kilbride, Strathaven and Lesmahagow (Dr Cameron) noted, there are only around 450,000 African elephants left in the world. In another six years, there will be half that number. I wonder how far numbers have to fall before the UK Government finally start taking the action promised more than seven years ago to outlaw a trade that is placing elephants at risk of extinction.

The UK has a thriving, growing domestic ivory market. Ivory is widely available for sale, subject only to some licensing restrictions on post-1947 ivory. Independent reports have found that the UK market plays a critical role in encouraging illegal wildlife trade, provides a hiding place for the trade in illegal products manufactured from post-1947 ivory and is seriously undermining international efforts to close down a hideously destructive trade. The UK Government's failure to act is simply inexcusable.

The UK Government's inaction is all the more shaming because while other countries are implementing bans, the UK Government announced plans as recently as 21 September 2016 to permit trade in ornaments and

works of art dating to before 1947 by classifying the ivory as antique. More welcome was the announced intention to ban the sale of worked ivory produced after 1947, but disappointingly that remains just an intention. DEFRA, we understand, now plans to consult with environmental groups, industry—whatever that might be—and other relevant parties to establish how and when such a ban could be introduced and necessary exemptions early in 2017. When exactly will that happen, Minister? Sadly, despite the manifesto commitments of 2010 and 2015, that consultation has not happened and the UK Government are procrastinating.

An immediate and total ban is desperately required. We must be absolutely clear that the UK market in ivory is connected to the illegal market in post-1947 or modern ivory. The UK Government should be leading action to completely close down the domestic market with immediate effect for both pre and post-1947 ivory. The UK Government's current proposal to ban sales of post-1947 ivory does not go far enough. Focusing on so-called modern ivory will not significantly reduce the amount of ivory bought and sold in the UK and will do little to stop the illegal wildlife trade across the world. It will, in fact, continue to encourage the slaughter of African elephants and to offer a hiding place for trade in products manufactured from ivory taken from slaughtered animals.

The UK Government's failure to act is damaging international momentum and undermining the actions taken by other countries. We need effective action on a range of fronts, just as my hon. Friend the Member for Glasgow North (Patrick Grady) explained. The people who signed this e-petition want the UK Government to stop procrastinating and begin acting. The people want the UK Government to join the global effort under way to end the ivory trade and to close down the UK's ivory market. Our constituents are not interested in excuses, in another round of consultations or in spin. They are interested in protecting one of our planet's most extraordinary animals. They want to know that the Government will honour their manifesto promises and start to protect these priceless animals. I urge the Minister: for goodness' sake, get on with the task.

7.8 pm

Mary Glendon (North Tyneside) (Lab): It is a pleasure to serve under your chairmanship in this important debate, Mrs Main. I thank the members of the public who signed the petition and the Petitions Committee for securing this debate. Our thanks must also go to all the organisations, some of which have been mentioned, that are supporting this cause and working to protect elephants and other wildlife in this country and across the world. The hon. Member for Thornbury and Yate (Luke Hall), on behalf of the Petitions Committee, made a very clear case for why the Government need to support the ban set out in the petition. I thank him for that. I commend those who have taken part in the debate, especially my hon. Friends the Members for Bassetlaw (John Mann), for Ellesmere Port and Neston (Justin Madders) and for York Central (Rachael Maskell). They all made an excellent case for ensuring the survival of elephants and, most importantly, why the weight of responsibility is on us here and now.

Throughout the debate, we have heard from hon. Members how the UK, and indeed the EU, must match the action to stop the terrible ivory trade that the US,

France, Hong Kong and recently China, the largest global market of all, have taken. The evidence of support for immediate similar action in the UK is clear from the number of people supporting this petition and from opinion polls showing that 85% of the British public want an ivory trade ban.

The main motivation for the UK Government should be the slaughter of elephants by poachers who feed these markets. The Government must recognise that an overwhelming majority of African countries actively campaign to close down ivory markets everywhere. The Government should listen to the African nations who share their lands with the elephant herds and not to the voices of the antique traders, the big game hunters or those who still sit on stored ivory as bullion.

The Government would do well to take notice of Botswana, the largest elephant range state. It is home to 130,000 elephants, almost a third of the total African elephant population. Botswana is a Commonwealth country, a parliamentary democracy and a long-standing friend of our country. Last year, it changed its policy and is now committed to 100% protection of its elephants, which have proved to be a sure asset for the tourist trade there. Botswana's Environment Minister, Tshekedi Khama, spoke passionately at last year's CITES conference in favour of appendix 1 status for elephants within his country's borders, but he was ignored by the EU and the UK Government, who used their block vote to veto it. I have been told that many UK attendees at that conference felt a true sense of shame at this outcome.

Mr Khama and his brother, the President, remain absolutely committed to conservation and to Botswana's role as a safe haven for migrating elephants under threat in neighbouring countries. Sadly, our Government have shown little commitment to supporting these efforts. Consultation documents, which are overdue and address only a fraction of the ivory trading problem, are certainly not seen as the way forward by Botswana.

Tanzania has also changed its policy on the ivory trade, freezing its stockpile, and trying to address the serious poaching threat that has decimated its elephants in recent years. Last month, the former President, Benjamin Mkapa, called on all nations to ban trade in elephant ivory. He said:

"We need to work together to stop this, our fellows must ban the importation and uses of elephant tusks, this means there will be no market for tusks and nobody will kill elephants."

His words are clear, and our response as a friendly country should be to close our own ivory markets, not fiddle at the margins with one category of post-1947 modern ivory.

In East Africa, we already have the inspiring example set by Kenya. For many years, that country has led African calls to ban the ivory trade, anticipating the appalling escalation of poaching. Last year, its President publicly destroyed his country's ivory stockpile of more than 100 tonnes with huge pyres in the Nairobi national park. The action was endorsed by both France and the US, but not by the UK. That is another broken promise by the Government, who advocated the destruction of ivory stockpiles in their 2010 manifesto.

Kenya went on to press successfully for additional international action to protect elephants at the International Union for Conservation of Nature and CITES conferences in September and October 2016. Although CITES appendix 1 status was blocked by the UK and other EU countries,

[Mary Glindon]

those conferences passed resolutions calling for the closure of domestic ivory markets throughout the world. The resolutions are clear. They do not exempt antiques, but make a link between the existence of markets and the illegal killing of and trade in elephants. Again, the UK's role is weak and ambiguous. We must remember that the EU is the single biggest exporter of ivory and ivory products according to the CITES trade database. There was a dramatic increase in the number of both raw and worked ivory items exported from the EU in the last two years for which data are available.

At the IUCN conference, many EU countries, including France, Italy and Spain, voted to support the unequivocal call to close domestic markets. Some others abstained but, shamefully, the record shows that the UK abstained by proxy. We sent a postal vote to abstain on the fate of elephants being poached at the rate of four every hour. The sound of the UK dragging its feet in this debate may resonate around the world, as well as in this Chamber.

Only last week, Patrick Omondi, the Kenyan CITES chief and chairman of the African Elephant Coalition of 29 African countries said:

"The CITES recommendation to close domestic ivory markets was a breakthrough. But it will be meaningless if countries ignore it. The EU and its Member States have an opportunity to realign themselves with France, which recently issued strict regulations, and work with China to implement the CITES recommendation. One thing is certain: business as usual is not an option if we want to save elephants for future generations."

I call on the Minister again, as I did in the debate in December 2016, to step up to the plate and to keep her party's promise to ban ivory trading altogether in the UK. As my hon. Friend the Member for York Central said in that debate, Labour would support the legal steps needed to implement the ban. We must act before it is too late for the elephants. I urge the Minister to act now, to forget exemptions, to support the petition and to heed the appeal of the 29 member countries of the AEC to both the UK and the whole of the EU to permanently ban all external and domestic ivory trade.

With the European Commission due to issue new guidance on the ivory trade within and exports from the EU, following its CITES management authority's meeting tomorrow, will the Minister take the opportunity to press for new regulations in Brussels? How can we afford to see these intelligent, beautiful giants of the Earth disappear because our generation failed to save them from extinction?

7.17 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): It is a pleasure to serve under your chairmanship, Mrs Main. As has been pointed out, we last debated this matter in Westminster Hall on 8 December 2016 and since then a further 30,000 people have signed this petition created by Ellen Cobb and chosen for debate by the Petitions Committee. I thank my hon. Friend the Member for Thornbury and Yate (Luke Hall) for opening the debate and I am pleased to have the opportunity to respond.

It is clear that all of us here are united in our goal to stop the poaching of elephants that are being slaughtered for their ivory. Elephant numbers in most African states have seriously declined over the last decade. The brutal actions of criminals are endangering the survival of one

of the world's iconic species. That is why the Government are already taking action to end poaching, involving proposals for legislative action, which I hope will be consulted on very soon. We are working in the international community to provide global leadership to reduce the demand for ivory and direct action on enforcement, tackling the issue at source and through illegal wildlife trade channels.

Illegal wildlife trade is a global issue that can be effectively tackled only with co-ordinated international action. The UK's rules on ivory have their basis in the international CITES agreements, implemented via EU legislation, although UK rules are already stronger than required by CITES and the EU. We do not permit exports of any ivory tusks given the obvious potential for such international trade to be used to bring illegal, recently poached ivory tusks on to the market. We expect shortly to publish our consultation and a call for evidence on proposals to extend a ban on the domestic sale of ivory and the enforcement of such a ban. I like to think that the House will see then that our initial proposals will be among the toughest in the world.

Rob Marris: The hon. Member for North Ayrshire and Arran (Patricia Gibson) said that while legal ivory trade in pre-1947 items continues, there will be an illegal ivory trade. That is true, but it is not the right question. The question is—perhaps the Minister can help with this—what is the evidence that if there is no legal ivory trade of pre-1947 items, there will be no illegal trade?

Dr Thérèse Coffey: I understand the argument that people have made about any market at all, and many of the examples cited today still allow a market in ivory. It will be important, in the call for evidence, for people to come forward and demonstrate that point, for the reasons I hope to set out.

Last September, my right hon. Friend the Secretary of State announced plans for a ban on the sale of worked ivory that is less than 70 years old—from 1947 onwards. That demarcation is used across Europe and was chosen because it was 50 years before the EU wildlife trade regulations came into force to regulate trade and protect endangered wildlife. By using that date for their proposed ban on the sale of ivory, the Government are on solid legal ground to bring a near-total ban into effect quickly. For control and enforcement, there are advantages in working with a date already used by the trade and the rest of the EU to draw a dividing line.

I recognise that many people want the UK to take an even stronger stance on the ivory trade and, as the petitioners demand, that there be no trade at all in ivory. Let me reassure the House that the Government are open to views on the matter. That is why the consultation will include an open question on this, with a call for views and evidence. I am regularly informed, and have been in this debate, that other nations have banned trade, so why have we not yet done so? I think that it would be helpful to set out to the House what is happening around the world.

The US has introduced what has been described as a near-total ban. The US Government can act only at federal level, and their ban covers trade internationally and between states, although it does not affect trade within states. The ban prohibits trade in ivory items that are under 100 years old and continues to allow the trade

in pieces older than 100 years, as that is the US's legal definition of an antique. The federal ban also provides for a range of exemptions, including musical instruments and items that contain a small amount of ivory. Four states have so far chosen to apply similar controls within their state. Those restrictions do not seem to apply to establishments for educational or scientific research purposes, which includes museums. My right hon. Friend the Member for North Shropshire (Mr Paterson) referred to action by California, but he will recognise that trade continues.

Mr Owen Paterson: Will the Minister give way?

Dr Coffey: I am really sorry, but my right hon. Friend spoke for nearly half an hour and I have limited time to reply.

Last year, France made the bold announcement that it would permit trade in pre-1975 ivory only on a case-by-case basis, but since then it has consulted on the scope of its ban and is now considering exemptions for pre-1947 items and musical instruments. We look forward to hearing the final outcome of its consultation.

We welcome the announcement by the Chinese Government of their intention to close China's domestic ivory market by the end of 2017. Again, we look forward to hearing more details of their intentions for the ban, including what the exemption allowing the auction of ivory "relics" will cover. However, the welcome closure of the carving factories this year will be a huge step in stopping the creation of new worked ivory artefacts.

Hong Kong was mentioned. The Hong Kong Government announced plans to phase out the domestic ivory trade, but it is my understanding that, again, there will be an exemption for antiques, which has still to be defined. Domestic sale will be allowed with a licence.

I have met groups on all sides of the debate, from conservation experts to antiques sector representatives, and will continue to do so. It matters that when considering the final outcome of the consultation, including the calls to go further, we know that there is a strong likelihood of legal challenge and so we would require further understanding of the impact on individuals, businesses and cultural institutions that own these items and the interaction with the conservation of elephants today. As has been pointed out, ivory is found in works from the art deco period and in musical instruments, often forming a small proportion of the item. The kind of assessment that we would have to consider would include how prohibiting the sale of a 17th-century ivory carving of the flagellation of Christ prevented the poaching of elephants today.

I note what the hon. Member for Bassetlaw said on a total ban, as indeed have other hon. Members, and what he said on museums. I am not sure whether he would go further and seek the destruction of ivory pieces, including the throne given to Queen Victoria—I am not sure whether he wants to go that far. However, I stand by the comments that I made previously about display, and I was referring particularly to the display of raw tusks, which still happens.

John Mann: The Minister could find out my views if she could tell us when the consultation will take place. On 8 December, we were told "shortly". She has just said "shortly" again.

Dr Coffey: It is still shortly.

John Mann: We want to know when—

Mrs Anne Main (in the Chair): Order.

Dr Coffey: It is still shortly, and I really hope it will be as soon as possible.

With regard to the reference to CITES and appendices 1 and 2, I think that I answered this in the December debate. CITES relies on scientific evidence. There is a differentiation between appendices I and II, in terms of the extinction rating in the relevant countries. There was reliable intelligence that if what was proposed went through, reservations would be applied by certain countries, thus destroying the ban by CITES.

Laws are only as effective as our action to enforce them, and the House should be proud of its record and global leadership. Enforcement at the UK border is led by Border Force, which makes ivory one of its top priorities. That is reflected by ivory seizures accounting for 40% of seized wildlife products between 2009 and 2014. One seizure alone in 2015—this was referred to—equated to more ivory than was found in the previous 10 years put together. It was more than 100 kg of tusks, beads and bangles that was en route from Angola to Germany and it was detected here in the UK. Enforcement within the UK is supported by the specialist national wildlife crime unit, which provides intelligence, analysis and specialist assistance to individual police forces and other law enforcement agencies. DEFRA has recently provided additional funding to the unit to help it to crack down on illegal trade via the internet—a growing concern.

The UK also shares its wealth of wildlife crime expertise internationally, including in a recent project providing training to customs, police, corruption specialists and parks authorities in Malawi. That has resulted in increased arrests, convictions and custodial sentences for wildlife offences. Initiatives such as those provide a real deterrent to the perpetrators of wildlife smuggling.

Rachael Maskell: Will the Minister give way?

Dr Coffey: I have little time. The UK is working with Interpol to expand its work with key nations, tracking and intercepting illegal shipments of ivory, rhino horn and other illegal wildlife products. Initiatives such as those will make a real impact on the illegal ivory trade by disrupting trafficking routes. Reference was made to sentencing guidelines. It just so happens that I am meeting the Under-Secretary of State for Justice, my hon. Friend the Member for East Surrey (Mr Gyimah), tomorrow to discuss this matter in more detail.

The driver for poaching is the lucrative profits that can be made in trafficking ivory, which is driven by the demand for ivory products. We need to raise awareness with ivory consumers of the devastating impact that they are having on elephant populations, and ultimately change behaviour. That is why the UK has supported work in Asia to increase awareness of the brutal impacts of poaching and reduce demand for ivory. We are providing practical support on the ground with financial help, and the British military train anti-poaching rangers on the frontline in Gabon, home of Africa's largest population of forest elephants. That will be extended to

[Dr Thérèse Coffey]

other crucial countries such as Malawi. Last year, I visited South Africa, where I saw some of the work that we were doing on other animal populations at risk.

We are supporting projects in communities that share a landscape with elephants. Many hon. Members dwelt on the role of the Foreign Office and, in particular, DFID. We recognise that the money to be made from poaching can be a huge temptation to get involved, so we must continue working closely with DFID and the Foreign Office to create viable alternative livelihoods, but hon. Members will be aware that there are tight controls on official development assistance classification.

I reiterate our shared goal of ending poaching and saving elephants. That means taking not just symbolic action on domestic ivory, but action that works. The Government are committed to introducing the most effective ban possible on ivory. That means that we must ensure that our rules are robust and proportionate and will achieve the aim of ending the poaching of elephants. We need to foster truly international action to tackle the demand that drives poaching, enforce rules more effectively and strengthen criminal justice, as well as supporting communities affected by poaching. The UK continues to be a world leader in the fight to protect wildlife, but we know that there is more to be done. Our consultation on plans for even stronger action will soon be launching. That will enable us to ensure even better protection of our majestic wildlife for generations to come.

I have listened carefully to today's debate and, in particular, the discussion on antiques and verification;

there was talk of certification and radiocarbon dating. I encourage hon. Members to contribute to the consultation and call for evidence, so that we can make progress on this matter.

7.28 pm

Luke Hall: Thank you for chairing the debate, Mrs Main. I will keep these remarks extremely brief. The attendance here today reflects the strength of feeling in the House and in the country about this issue. There were many contributions today. I will just thank specifically my hon. Friend the Member for Mid Derbyshire (Pauline Latham), the hon. Member for Bassetlaw (John Mann) and my right hon. Friend the Member for North Shropshire (Mr Paterson) for their passion in this Chamber and their work outside it. I thank the Minister for her update on the Government's work and her words that the initial proposals will be among the toughest in the world, although I am disappointed that we could not come forward today with a date for the consultation. Most importantly, I thank the 107,000 people who signed the petition to ensure that we were able to hold a second debate on this issue today.

Question put and agreed to.

Resolved,

That this House has considered e-petition 165905 relating to the domestic ivory market in the UK.

7.29 pm

Sitting adjourned.

Written Statements

Monday 6 February 2017

EDUCATION

Government Assets Sale

The Minister for Universities, Science, Research and Innovation (Joseph Johnson): Today, the Government are starting the process required to sell part of the English student loan book under the Sale of Student Loans Act 2008. The sale covers loans issued under the previous (“pre-2012”) system, specifically those which entered repayment between 2002 and 2006.

The Government’s intention to launch this sale at this time, subject to market conditions, was set out in last year’s autumn statement. The decision to launch this process is consistent with the Government’s fiscal policy and approach to asset sales. The position of all graduates, including those whose loans are part of a sale, would also not change as a result of the sale.

This Government are committed to cutting the deficit, reducing debt, and living within our means as a country. The Government’s policy is to sell assets where it is value for money to do so and where there is no policy reason to continue to own them. Selling assets gives headroom for the Government to invest in other policies with greater economic or social returns and reduces fiscal pressures.

The Government’s policies towards student finance and higher education are not being altered by this sale. Under the current system of student support (the framework for which has been in place since 2012) we will continue to offer financial support so people who have the qualifications and want to pursue higher education are able to do so, with no limit on their numbers. This is part of making sure our economy works for everyone.

Students are protected by statute and completely unaffected. A sale would not alter the mechanisms and terms of repayment and sold loans would continue to be serviced by Her Majesty’s Revenue and Customs (HMRC) and the Student Loans Company (SLC) on the same basis as equivalent unsold loans. These protections mean that purchasers would have no right to change any of the current loan arrangements or to directly contact borrowers.

The Government have launched the first sale process on the basis there is a good prospect of achieving value for money, but will only proceed with the sale subject to market conditions and a final value for money assessment. The assessment of value for money is in accordance with the HMT Green Book framework and includes a comparison of the value of retaining the student loan book and receiving payments over time (the retention value) and receiving cash now (the proceeds of the sale).

This sale will comprise the future repayments on the outstanding balances on a selection of loans, with a total face value of around £4 billion. The retention value to Government is lower and is calculated using standard Treasury Green Book methodology developed

for asset sales, and also accounts for Government subsidy of the student loan system. The loans which are being sold have already been in repayment for over 10 years, and therefore much of the original value of the loans has already been paid back to Government.

The sale process is expected to take several months. Selling the loan book involves securitising the remaining future repayments on the loans and selling securities representing the rights to these to a range of purchasers. The House will be informed if and when a sale is completed.

[HCWS458]

EXITING THE EUROPEAN UNION

General Affairs Council: February 2017

The Minister of State, Department for Exiting the European Union (Mr David Jones): The General Affairs Council (GAC) on 7 February will be held in Brussels under the Maltese presidency. The agenda will cover 1) follow up to the December European Council; 2) preparation for the March European Council; and 3) Commission communication on next steps for a sustainable European future.

Follow up to the December European Council

The presidency is likely to present an update on the implementation of the December 2016 European Council conclusions on migration, security (internal and external), economic and social development (youth), Cyprus and external relations (covering the EU/Ukraine association agreement and Syria).

Preparation for the March European Council

There will be a discussion on the agenda of the March European Council. The agenda includes: security; jobs and growth; external relations; and migration.

Commission communication on next steps for a sustainable European future

The Commission will present a communication on next steps for a sustainable European future and there will be an exchange of views. The communication sets out the EU’s commitment to deliver the 2030 agenda for sustainable development which was agreed at the 2015 UN General Assembly.

[HCWS461]

HEALTH

National Health Service

The Minister of State, Department of Health (Mr Philip Dunne): My hon. Friend the Parliamentary Under-Secretary of State (Lord O’Shaughnessy) has made the following written statement in the House of Lords:

This Government are committed to making sure that only those people who are living here and contributing to the country financially will get free National Health

Service care. Following a two year programme of work to improve identification and cost recovery from chargeable patients in hospitals we consulted on extending the charging rules to areas of NHS care that are currently free to all. Proposals for this were set out in a public consultation entitled “Making a fair contribution—a consultation on the extension of charging overseas visitors and migrants using the NHS in England”, which ran from December 2015 to March 2016.

The proposals explored within the consultation aimed to support the principle of fairness by ensuring those not resident in the United Kingdom pay for NHS care. The proposals would not restrict access, but rather make sure that everyone makes a fair contribution towards the cost of the care they receive.

We are today publishing our response to that consultation. It summarises respondents’ views and sets out how the Government intend to extend charging and increase cost recovery from patients not eligible for free care, including:

Requiring NHS providers to obtain charges upfront and in full before a chargeable patient can access non-urgent treatment.

Including out-of-hospital secondary care services and NHS-funded services provided by non-NHS organisations within the services that chargeable patients will have to pay for.

Removing NHS assisted reproduction services from the range of services provided free of charge under immigration health surcharge arrangements.

The principle that the NHS is free at the point of delivery for people ordinarily resident in the UK will not be undermined by this work.

The most vulnerable people from overseas, including refugees, will remain exempt from charging. Furthermore, the NHS will not deny urgent and immediately necessary healthcare to those in need, regardless of payment. Exemptions from charging will also remain in place for the diagnosis and treatment of specified infectious diseases in order to protect the British public from wider health risks.

The potential income generated through the extension of charging will contribute towards the Department of Health’s aim of recovering up to £500 million per year from overseas migrants and visitors by the middle of this Parliament (2017-18). The recovery of up to

£500 million per year will contribute to the £22 billion savings required to ensure the long-term sustainability of the NHS.

We are also publishing today on gov.uk the evaluation of the initial phase of the programme, the lessons from which we are factoring in to the future operation of the programme.

It is also available on line at: <http://www.parliament.uk/business/publications>.

[HCWS460]

HOME DEPARTMENT

Proceeds of Crime Act 2002

The Minister for Security (Mr Ben Wallace): I am pleased to lay before Parliament the 2015-16 annual report of the appointed person under the Proceeds of Crime Act 2002. The appointed person is an independent person who scrutinises the use of the search and seizure powers that support the measures in the Act to seize and forfeit cash used for criminal purposes and to seize and sell property in settlement of confiscation orders.

The report gives the appointed person’s opinion as to the circumstances and manner in which the search and seizure powers conferred by the Act are being exercised. I am pleased that the appointed person, Mr Douglas Bain, has expressed satisfaction with the operation of the powers and has found that there is nothing to suggest that the procedures are not being followed in accordance with the Act. Mr Bain has made no recommendations this year.

From 1 April 2015 to the end of March 2016 over £67 million in cash was seized by law enforcement agencies in England and Wales under powers in the Act. The seizures are subject to further investigation, and the cash is subject to further judicially approved detention, before forfeiture in the magistrates court. These powers are a valuable tool in the fight against crime and the report shows that the way they are used has been, and will continue to be, monitored closely.

[HCWS459]

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