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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES**

(HANSARD)

Tuesday 7 February 2017

House of Commons

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The House met at half-past Eleven o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

BUSINESS BEFORE QUESTIONS

NEW SOUTHGATE CEMETERY BILL [*LORDS*]

Motion made, That the Bill be now read the Third time.

Hon. Members: Object.

Bill to be read the Third time on Tuesday 21 February.

Oral Answers to Questions

HEALTH

The Secretary of State was asked—

Foreign Nationals: NHS Treatment

1. **Mr Philip Hollobone** (Kettering) (Con): What steps he is taking to ensure that foreign nationals who are not entitled to free NHS treatment pay in full for the treatment they have received. [908621]

The Secretary of State for Health (Mr Jeremy Hunt): Under this Government, the amount recovered from international visitors has trebled from £81 million to £289 million. Yesterday, I announced that we were going further by introducing upfront ID checks and payment for elective care, stopping IVF being available for those who pay the health visa surcharge and asking GPs to help to identify European citizens at the point of registration so that we can recharge their costs to their home country.

Mr Hollobone: My constituents in Kettering welcome the Government's latest crackdown on this abuse of our national health service at a time when we are struggling to find enough money to pay for the care of elderly people who have paid into the NHS all their lives. We simply cannot afford to provide a free international health service.

Mr Hunt: My hon. Friend is absolutely right. It is a national health service, not an international health service. I was disappointed to see comments from the Opposition yesterday that the money this would raise would be a drop in the ocean—[HON. MEMBERS: "It is."] We are seeking to raise £500 million. That is enough to finance 5,000 GPs, who could help the constituents of everyone in this House.

Mr Ben Bradshaw (Exeter) (Lab): Is it not a coincidence that, whenever we hear about disastrous figures for NHS performance and a huge deterioration in waiting times, as we did at the weekend, the Government re-announce yet another measure to crack down on health tourism? Is not the main problem with our health and social care system the fact that it is chronically underfunded, and that this Government are doing nothing about it?

Mr Hunt: I will tell the right hon. Gentleman what we are doing about the underfunding. We are raising three times more from international visitors than when he was a Health Minister, and that is paying for doctors, nurses and better care for older people in his constituency and in all our constituencies.

Dr Sarah Wollaston (Totnes) (Con): Given the Government's stated objective of reducing health inequalities, will the Secretary of State set out how he will guarantee that those who are, for example, homeless or who have severe enduring mental illness—the most disadvantaged in our society, who are unlikely to have the required documentation—will receive the treatment they need?

Mr Hunt: I can absolutely reassure my hon. Friend. What we are doing is based on good evidence from hospitals such as Peterborough hospital, which has introduced ID checks for elective care and has seen absolutely no evidence that anyone who needs care has been denied it. This is not about denying anyone the care they need in urgent or emergency situations; it is about ensuring that we abide by the fundamental principle of fairness so that people who do not pay for the NHS through their taxes should pay for the care we provide.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Has the Secretary of State actually been recently to a clinical commissioning group like ours in Huddersfield, where one more duty would really break the camel's back? We have just heard that the CCG is changing its constitution, excluding GPs and totally changing the nature of the CCG. Like most of them, our CCG is under-resourced and under stress, and asking it to do something else like this, which will be complex, difficult and perhaps impossible, will kill the poor bloody animal.

Mr Speaker: With reference to foreign nationals, and including a question mark at the end of the hon. Gentleman's observations.

Mr Hunt: I very much hope that the extra money we raise from international visitors will help all Members of this House because it will lead to more funding for the NHS, including for Huddersfield CCG.

Mr Peter Bone (Wellingborough) (Con): When I was in the travel industry, I learned that anyone wanting to travel to, say, America had to have medical insurance. Could it not be a requirement for people coming into this country to ensure that they had such insurance?

Mr Hunt: We looked at this extremely carefully, and I have a lot of sympathy with what my hon. Friend is saying. People do not have to have medical insurance if they visit countries such as America as a tourist, and we

do not want to insist on that for visitors to this country because of our tourism industry here. We concluded that it was better to have a system in which people who get a visa to come and live here have to pay a surcharge. That is why we have introduced the visa health surcharge, which raises several hundred million pounds for our NHS.

Helen Jones (Warrington North) (Lab): I have always supported the view that we are not running an international health service, but as well as directing his energies towards that question will the Secretary of State direct them towards stopping the waste of money that occurs elsewhere in the NHS when highly trained surgeons and theatre teams are forced to wait to operate because beds are not available for their patients and have to spend their time doing nothing? How much is wasted in that way because of the chronic underfunding that this Government have introduced?

Mr Hunt: The constant accusations of underfunding would have a little more credibility if Labour was actually promising any more money for the NHS. Instead, at the last election it committed to £5.5 billion less than this Government.

Post-polio Syndrome

2. **Rehman Chishti** (Gillingham and Rainham) (Con): What steps his Department is taking to support people with post-polio syndrome. [908622]

The Parliamentary Under-Secretary of State for Health (David Mowat): My hon. Friend will be aware that polio was eradicated from the UK in the 1980s. However, between 25% and 80% of sufferers go on to development post-polio syndrome, a condition that, although not life-threatening, can be debilitating. The NHS response centres on structured self-management and pain relief and increasing referrals to both physio and occupational therapy.

Rehman Chishti: As parliamentary ambassador for the British Polio Fellowship, I know that 93% of people are unaware of post-polio syndrome. Low awareness among GPs, and in the NHS more generally, is leaving patients waiting for up to six years for a diagnosis. Will the Government agree to fund a PPS awareness campaign?

David Mowat: I congratulate my hon. Friend on his work for the British Polio Fellowship, which is a good charity that makes a real difference. He is right that the condition is difficult to diagnose; the symptoms are vague and there is no definitive test. NICE is updating its best practice, and the British Polio Fellowship has developed guidelines that we all need to use to build GP awareness of the condition.

Jim Shannon (Strangford) (DUP): As the Minister said, there is no specific test for diagnosing PPS, so will he outline what information is offered to medical professionals to diagnose and treat the syndrome to ensure that the symptoms are correctly collated and not put down to other untestable issues, such as fibromyalgia?

David Mowat: As I said, the symptoms are vague and there is no definitive test. As my hon. Friend the Member for Gillingham and Rainham (Rehman Chishti) pointed out, awareness of the condition among GPs is not as

high as it could be, so we need to do more, with the NICE guidelines and the work of the British Polio Fellowship, on GP education, training and information.

Hospitals (Special Measures)

3. **Chris Green** (Bolton West) (Con): What progress he has made on improving hospitals in special measures. [908623]

10. **Lucy Frazer** (South East Cambridgeshire) (Con): What progress he has made on improving hospitals in special measures. [908631]

The Secretary of State for Health (Mr Jeremy Hunt): In the last four years, 31 trusts have been put into special measures—more than one in 10 of all NHS trusts. Of those, 16 have now come out, and I congratulate the staff of Addenbrooke's and all at Cambridge University Hospitals NHS Foundation Trust, which came out of special measures last month.

Let me also take this opportunity to thank Professor Sir Mike Richards, who has announced his retirement as chief inspector of hospitals. His legacy will be a safer, more caring NHS for the 3 million patients who use it every week. He can feel extremely proud of what he has achieved.

Chris Green: Royal Bolton hospital was in special measures four years ago, but it has since come out following a huge amount of hard work. The trust is now running a surplus, which is being reinvested into patient care. Will my right hon. Friend join me in congratulating all the staff on their excellent hard work?

Mr Hunt: I am happy to do so. It is a fantastic example of what is possible in challenging circumstances with a lot of pressure on the frontline, so the staff should feel proud. Trusts put into special measures go on to recruit, on average, 63 more doctors and 189 more nurses and see visible improvements in the quality of patient care.

Lucy Frazer: The Secretary of State is right to congratulate Addenbrooke's, which came out of special measures in the last month due to the dedication of its staff, but we still need to reduce pressure on the A&E. One way of doing that is to increase care locally in rural hubs. Does the Secretary of State agree that money spent on the minor injuries unit at Ely's Princess of Wales hospital would be money extremely well spent?

Mr Hunt: I remember visiting my hon. Friend in Ely last autumn, and I know how much she campaigns and cares for her local health services. The Cambridgeshire and Peterborough CCG knows the importance of Ely's minor injuries unit. It is setting up some public engagement meetings, but if any changes are deemed necessary, I reassure her that there will be a formal consultation before anything happens.

Heidi Alexander (Lewisham East) (Lab): The Heath Secretary's self-congratulatory tone is astonishing. In the last year, the number of people waiting longer than four hours in A&E has increased by 63%, the number of people waiting on trolleys has gone up by 55%, and the number of delayed discharges is up by 22%. While all of

us want hospitals in special measures to improve, what is the Health Secretary's answer to those urgent problems that affect the NHS across the board?

Mr Hunt: I will tell the hon. Lady what is happening in the NHS compared with when her party was in power: 130 more people are starting cancer treatment every single day; 2,500 more people are being seen in A&Es within four hours every single day; and there are 5,000 more operations every single day. None of that would be possible if we cut the NHS budget, which is what her party wanted to do.

Neil Coyle (Bermondsey and Old Southwark) (Lab): Norfolk and Suffolk NHS Foundation Trust has been taken out of special measures, despite continued growth in the number of people with mental health problems dying in unexpected or avoidable circumstances from things such as suicide. "Panorama" and the Health Foundation have shown that in 33 trusts the number of avoidable deaths has doubled in the last three years as those trusts have collectively experienced a real-terms cut of £150 million. What specific measures is the Secretary of State taking to tackle the problem of avoidable deaths of people with mental health problems?

Mr Hunt: We have committed, and the Prime Minister affirmed the commitment only last month, to spend £1 billion more every year on mental health services, but we recognise that it is not just about money. It is also about having a proper suicide prevention plan—we have updated the plan—and making sure that, across the NHS, we properly investigate and learn from avoidable deaths. That is why, following the tragedy of what happened at Southern Health, we have now started a big new programme—the first of its kind in the world—whereby every trust will publish its number of avoidable deaths quarterly.

21. Huw Merriman (Bexhill and Battle) (Con): [908643] A year ago, East Sussex Healthcare NHS Trust was rated inadequate. Thanks to the hard work, dedication and care of all its staff, the hospitals are now good on many measures, albeit further improvements need to be made. Will the Secretary of State join me in thanking the staff? Does he agree that we need to talk up our successes, as well as recognising challenges?

Mr Hunt: I join my hon. Friend in doing that. It is really important, contrary to what the former shadow Health Secretary, the hon. Member for Lewisham East (Heidi Alexander), says, that we praise NHS staff when they do remarkable things. There is a lot of pressure everywhere in the NHS, and praising NHS staff is not being self-congratulatory; it is recognising when a good job is being done.

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): Further to the very important question of my hon. Friend the Member for Bermondsey and Old Southwark (Neil Coyle), Members on both sides of the House may have seen "Panorama" last night. Frankly, it was shocking and disgusting. I am ashamed to live in a country where in the past year there have been over 1,000 more unexpected deaths under the care of our mental health trusts. That is not a reflection of a country that cares equally about mental health and physical health. In spite of what the

Secretary of State just told us, the money is not getting to where it is intended. What is he actually going to do to ensure that no person in our country—not a single person—loses their life because they have a mental health condition for which they are not being treated properly?

Mr Hunt: I agree with the hon. Lady that there is a huge amount that we need to do to improve mental health provision in this country, but a huge amount has been done and is being done. As she knows, we are now seeing 1,400 more people every day with mental health conditions. We are committing huge amounts of extra money to mental health provision, and we are becoming a global leader in mental health provision, certainly according to the person in charge of the Royal College of Psychiatrists. We have to support the efforts happening in the NHS, because we are one of the best in the world.

Mental Health: Children and Young People

4. Simon Hoare (North Dorset) (Con): What steps he is taking to prevent mental illness and provide mental health support for children and young people. [908624]

The Secretary of State for Health (Mr Jeremy Hunt): Last month the Prime Minister made a major speech in which she made it clear that improving the mental health of children and young people is a major priority for this Government. My Department will work with the Department for Education to publish an ambitious Green Paper outlining our plans before the end of the year.

Simon Hoare: I am grateful to my right hon. Friend and the Prime Minister for their commitment to this important area of health and the parity that the Government are giving it. Does the Secretary of State agree that, as well as providing mental health support in both schools and colleges, community hospitals, due to their locality, status and scale, can often provide a useful forum for providing these vital services?

Mr Hunt: I am pleased that my hon. Friend raises that point, because when we discuss mental health we often talk about services provided by mental health trusts but do not give enough credit to the work done in primary care, both in community hospitals and by general practitioners, who have a very important role as a first point of contact. He is absolutely right to make that point.

Dame Rosie Winterton (Doncaster Central) (Lab): Will the Green Paper look at the role that educational psychologists could play not only in providing support and assistance to young people with mental health problems but in preventive work? Cuts in local authority budgets have meant that the service has become quite fragmented, but there are practical ways in which it could be improved to help young people with mental health problems.

Mr Hunt: The right hon. Lady is absolutely right. We have looked into this and realised that there are two issues when it comes to improving children's and young people's mental health. The first is improving access to specialist care for those who need it. The other is

prevention: the work that can be done by teachers within schools and in training people in mental health first aid. Those kinds of things can make a huge difference and we want to make sure we do them both.

Mr Charles Walker (Broxbourne) (Con): I welcome the Secretary of State's focus on child and adolescent mental healthcare, but what is he going to do about out-of-area transfers, which too often mean that children are found beds 200 or 300 miles away from their home? That is not in anyone's interest, and it certainly is not in a child's interest to be that far away from their support network.

Mr Hunt: I thank my hon. Friend for his continuing campaign on mental health issues. He is right to say that this situation is completely unacceptable, not least because if we want a child to get better quickly, the more visits from friends and family they can have, the better it is and the faster their recuperation is likely to be. We have commissioned 56 more beds, so the total number of beds commissioned for children is at a record 1,442, but we are determined to end out-of-area treatments by the end of this Parliament.

Ian Austin (Dudley North) (Lab): No one is going to disagree with what the Secretary of State has said, but it is not going to help people at Dove house in Dudley, which has been helping people with mental health problems since the 1970s but faces closure this year, for the want of quite a small amount of money. Will he look at this personally and do everything he can to keep this valuable facility open? It is closing because Dudley is losing 20% of its funding, which compares with the figure of just 1% in Surrey, which he represents.

Mr Hunt: Dudley CCG has seen its funding go up, and we are asking all CCGs to increase the proportion of their spend on mental health. I am happy to look into the situation the hon. Gentleman talks about, but I will be very disappointed if increasing resources are not going into mental health provision in Dudley.

Mark Pawsey (Rugby) (Con): Will the Secretary of State say a little more about how children's mental health services can work more closely with schools and the education system more broadly?

Mr Hunt: I am happy to do that. Some interesting innovation is going on in many parts of the country. In Hove, a school I visited has a CAMHS—child and adolescent mental health services—worker based full-time in the school. That had a transformational effect, as it meant teachers always had someone they knew they could talk to and their understanding of mental health improved. That is the kind of innovation we want to encourage.

Mr Gregory Campbell (East Londonderry) (DUP): Further to that, what pressure and persuasiveness is the Minister bringing to bear in the education system, particularly in primary schools, where young people have, on occasion, had this kind of a diagnosis and problems have been created within the school environment?

Mr Hunt: This is a very important issue because, as the hon. Gentleman knows, half of all mental health conditions are diagnosed before or become established

before people are 14, and the sooner we catch them, the better the chance of giving someone a full cure. We therefore need to find a way whereby there is some mental health expertise in every primary school, so we can head off some of these terrible problems.

Barbara Keeley (Worsley and Eccles South) (Lab): As my hon. Friends the Members for Bermondsey and Old Southwark (Neil Coyle) and for Liverpool, Wavertree (Luciana Berger) have already said, last night's "Panorama" showed that mental health services are not funded properly. At the Norfolk and Suffolk mental health trust funding cuts led to community teams being disbanded, a loss of staff and the loss of in-patient psychiatry beds. Most disturbing of all is to hear parents talk of what happens to their children when they are denied support in a crisis—when they are self-harming or suicidal but there are no in-patient beds. One parent called it a "living nightmare". We do not need any more warm words from this Secretary of State—we need action to make sure that mental health services are properly funded and properly staffed.

Mr Hunt: Let me tell the hon. Lady what action is happening this year. The proportion of CCG budgets being assigned to mental health is increasing from 12.5% to 13.1%, which is an increase of £342 million. That is action happening today because this Government are funding our NHS.

Surrogacy

5. **Craig Williams** (Cardiff North) (Con): What plans the Government have to bring forward new legislative proposals on surrogacy. [908625]

The Parliamentary Under-Secretary of State for Health (Nicola Blackwood): The Government recognise the value of surrogacy in helping people who cannot have children to create a family. Surrogacy legislation is now more than 30 years old. In view of changes across society, it is time for an independent review of the legislation, so we have asked the Law Commission to include a project about surrogacy in its proposed work programme for 2017 to 2019.

Craig Williams: The Minister will be aware of the work of my constituent Nicola and Surrogacy UK, to which I pay tribute. I very much welcome the Minister's answer, but will she say something specifically about the remedial order to address the situation for single parents, for which my constituent Nicola is waiting?

Nicola Blackwood: My hon. Friend has raised this difficult case with me before, and my sympathies go to his constituent. He is right that the High Court has judged that the current provisions for parental orders are discriminatory. The Government are obliged to act within a reasonable timescale, so we will be introducing a remedial order this spring. I am pressing for that to happen by May, but I am in the hands of the business managers. I shall keep the House and my hon. Friend updated.

Naylor Review

6. **Karin Smyth** (Bristol South) (Lab): What plans he has to ensure that the implementation of recommendations in Sir Robert Naylor's review on the NHS estate is compatible with local sustainability and transformation plans. [908626]

The Minister of State, Department of Health (Mr Philip Dunne): Sir Robert Naylor's report on the NHS estate will be published shortly. In developing his recommendations, he has worked and engaged with leaders from across the NHS. This will ensure that his recommendations are informed by sustainability and transformation plans, and are designed to help to support their successful delivery.

Karin Smyth: I look forward to seeing the report, which has been due "shortly" for a while. Knowle West health park in my constituency is exactly the sort of community-based model that we should be promoting in STPs. It was established by the NHS and the council to prevent illness, to promote good health and to assist recovery after medical treatment. However, the NHS Property Services regime means that its bill has increased more than threefold—from £26,000 to £93,000. What assurances can the Government give that the Naylor report will ensure that there is co-operation on estates planning so that my constituents, who rely on the health park's contribution to preventing ill health, can face the future with confidence?

Mr Dunne: We have already accepted one of Sir Robert Naylor's recommendations ahead of the publication of his report, which is to look into bringing together NHS Property Services and other estates services in the NHS. With regard to allocations to the clinical commissioning group, the Department of Health has provided £127 million to CCGs precisely to contribute towards increases in the move towards market rents for property.

22. [908644] **James Duddridge** (Rochford and Southend East) (Con): When the Minister looks at the estates and transformation plans, will he ensure that arrangements for travelling to different sites are taken into account for healthcare professionals, patients and, importantly, patients' visitors?

Mr Dunne: My hon. Friend consistently expresses concern about the arrangements in Essex as we consider a possible reconfiguration of urgent emergency care arrangements. Ensuring that there is good access to A&E is as vital in that county as it is everywhere else.

Keith Vaz (Leicester East) (Lab): In Leicester, the CCG is proposing to close a walk-in centre in North Evington and move it to another part of the city. Rather than being a walk-in centre, it will become a drive-in centre. Does the Minister agree that it is important that local people are consulted fully on the proposals?

Mr Dunne: As the right hon. Gentleman knows, service reconfigurations require public consultation. I am not sure whether that particular walk-in centre qualifies, but I am happy to have a look at that. A number of walk-in centres were established under the previous Government in a random way, and they need to be located more appropriately for local people.

Sir Simon Burns (Chelmsford) (Con): Does my hon. Friend agree that the driving force of STPs is to improve and enhance patient care for our constituents? With regard to the STP for mid-Essex, will he confirm that no proposal that has been put forward involves any closure

of an A&E and that, far from downgrading the existing A&Es, this is about upgrading the quality of care for my constituents?

Mr Dunne: My right hon. Friend is a regular attender at Health questions, and I am pleased to be able to confirm to him, once again, that the success regime for mid-Essex is looking at the configuration of the three existing A&Es, none of which will close, and each of which might develop its own speciality.

Justin Madders (Ellesmere Port and Neston) (Lab): Analysis of the STPs by the *Health Service Journal* this week found that a substantial number of A&E departments throughout the country could be closed or downgraded over the next four years. The Royal College of Emergency Medicine has described that approach as "alarming". Over the past month, we have all seen images of A&E departments overflowing and stretched to the limit, so surely now is not the time to get rid of them. Will the Minister pledge today that the numbers of both A&E beds and A&E departments will not be allowed to reduce below their current level?

Mr Dunne: The hon. Gentleman is right to point out that the STPs are looking at providing more integrated care across localities. A number of indicative proposals have to be worked through. At the moment, NHS England is reviewing each of the STPs, and the results will be presented to the Department for its consideration in the coming weeks and months. On bed closures, I gently remind him that, in the past six years of the previous Labour Government, more than 25,000 beds were closed across the NHS. In the six years since 2010, fewer than 14,000 were closed by this Government and the coalition.

Social Care Budgets

7. **Marie Rimmer** (St Helens South and Whiston) (Lab): What assessment he has made of the effect of changes to local authority social care budgets on demand for health services. [908627]

15. **Liz McInnes** (Heywood and Middleton) (Lab): What assessment he has made of the effect of changes to local authority social care budgets on the provision of adequate health and social care services. [908636]

The Parliamentary Under-Secretary of State for Health (David Mowat): The relationship between health and social care budgets is complex. A recent study by the University of Kent has shown that, for every pound spent on care, hospital expenditure falls by between 30p and 35p. The hon. Lady will also be aware that there has been an increase in delayed transfers of care over the past two years, which has resulted in an increase in the number of unavailable hospital beds. Our best estimate of that increase is around 0.7% of total NHS bed capacity due to the increase in social care delays.

Marie Rimmer: It is quite amazing that the Minister is prepared to stand up and accept that there is a crisis in the NHS caused by the lack of social care provision. The crisis in social care means that more and more local authorities are reduced to just washing, feeding and toileting our elderly people. The crisis in residential care

means that people from homes are going into the hospitals and choosing to leave the patients with the most complex needs, because they cannot afford the staff to look after them—

Mr Speaker: Order. I apologise for interrupting the hon. Lady, but we must have a question: one sentence and a question mark, thank you.

Marie Rimmer: There is no comfort for our elderly people. It is not too late for the Government to act. I ask the Minister to look at protecting social care funding. Will he bring forward the £6 billion and the £700 million—

Mr Speaker: Order. I am sorry, but there is a lot to get through. It is not fair on other colleagues.

Marie Rimmer: It is not fair on the elderly.

Mr Speaker: Order. I am sorry. I say to the hon. Lady without fear of contradiction that we must spread things out evenly.

David Mowat: I agree that budgets make a difference, which is why we are increasing spending by £7.6 billion over this Parliament, but so do leadership, grip and best practice. Some 50% of all delayed transfers that are due to social care delays occur in 24 local authorities. Many other local authorities have virtually no delays. I recently visited the IASH team—Integrated Access St Helens—in the hon. Lady's own constituency, which, working with Whiston hospital, has achieved spectacular results and some of the best outcomes in the country. I am sure that she will want to join me in congratulating those responsible.

Liz McInnes: My local council of Rochdale has had to make cuts of £200 million in the past six years. It has a further £40 million of cuts to implement, which will pile the pressure on our social care budgets. The 2% precept will raise only £1.4 million, which is a drop in the ocean when our total adult social care budget is £80 million. With our hospitals reporting a 70% increase in delayed discharges, I call on the Minister to bring forward the better care fund scheduled for the end of this Parliament so that our social care services can cope now.

David Mowat: As a direct answer to the hon. Lady's question on the improved better care fund, let me tell her that it will be allocated in such a way that the combination of the fund and the precept will address real need. That is what we will be doing during the remainder of this Parliament, starting from April. We spend more on adult social care in this country than Germany, Canada and Italy, but it is very important that we spend it well.

Helen Whately (Faversham and Mid Kent) (Con): It was good to hear my hon. Friend referring to the University of Kent's research.

Under the guidance of the vanguards and the sustainability and transformation plan, NHS and social services in Kent are working closer together than ever before, although there is still further to go. Does my hon. Friend agree that it is vital that we overcome the barriers between social services and the NHS so that

they operate more as one system, meaning that patients can get the sort of care they need in the right place, preferably at home?

David Mowat: My hon. Friend makes a good point about the success of the vanguard in Kent. Last week I visited the care home vanguard in Sutton, which has achieved a 20% reduction in A&E admissions due to better integration and the sort of things that she mentions as being successful in Kent.

Andrew Stephenson (Pendle) (Con): If the Minister watched BBC News last night, he might have seen footage showing the extreme demand for treatment in Royal Blackburn hospital's A&E department and the pressure that it is under. We could point to social care changes but, in reality, the situation is down to the closure of Burnley general hospital's A&E department in 2008 under the previous Labour Government. What more can we do to support and reduce pressure on A&E departments?

David Mowat: My hon. Friend is correct in so far as two thirds of all delayed transfers of care are a consequence of internal NHS issues, not issues between the NHS and councils. The issue regarding Blackburn and Burnley is part of that.

Barbara Keeley (Worsley and Eccles South) (Lab): Recent figures on delayed transfers of care ranked Salford 105th out of 154, with 533 delayed days in November 2016. Sir David Dalton has said that overcrowding at Salford Royal hospital is due to its "inability to transfer patients safely to an alternative care setting", and that changes to social care funding are "urgently required". Salford Council's budget has been cut by 40% since 2010, leading to the loss of £18 million from social care budgets. Salford royal hospital, rather than the council, is now providing social care. I know that the Health Secretary respects Sir David. Does Minister accept Sir David's view about the need for funding changes, or will he continue to find people to blame for cuts inflicted by his Government?

David Mowat: Conservative Members very much respect Sir David Dalton. I remind the hon. Lady that she stood for election on a slogan of not a penny more for local government, so it is entirely inappropriate for her to say different things now. There is now an opportunity in Manchester, through the devolution deal, to integrate care and the NHS more effectively, and I expect that to happen.

GP Appointments

8. **Paul Blomfield** (Sheffield Central) (Lab): What assessment he has made of trends in the availability of GP appointments. [908628]

The Parliamentary Under-Secretary of State for Health (David Mowat): Best trend data come from the GP patient survey, which collates feedback from more than 2 million patients biannually. The most recent results show that 92% of patients found their appointment to be convenient—a slight increase on previous results—and that 86% of respondents rated their overall experience of their GP's surgery as good.

Paul Blomfield: The Minister knows that there was a 30% rise in waiting times in 2016—that is one of the key concerns that constituents raise with me. Local GPs tell me that one of the main pressures they face is the failing social care system. The Minister knows that the answers he gave a moment ago do not address the problem, so will he commit to doing something meaningful?

David Mowat: The answer I gave a moment ago was the results of the GP patient survey. The Government and I accept that the country needs more GPs. GPs are the fulcrum of the NHS, and we have plans for a further 5,000 doctors working in primary care by 2020. We intend to add pharmacists, clinical pharmacists and mental health therapists as part of the solution.

14. **John Howell** (Henley) (Con): [908635] It is not just the need for GPs that is relevant. Surely there is a requirement for GPs to work at weekends, and that should be included in the assessment of demand for their services. GPs should also work with better technologies and work together as groups.

David Mowat: The Government are committed to GPs offering appointments seven days a week, 8 am until 8 pm, by 2020. By 2018, we will have rolled that out in London. Part of this is about GPs working smarter in integrated hubs of between 30,000 and 40,000 patients, thus enabling them to spread out and to offer services such as pharmacy, physio and social care.

Joan Ryan (Enfield North) (Lab): In a survey of Enfield North residents that I conducted, 58% agreed that it is difficult to get a GP appointment. The Royal College of General Practitioners has calculated that Enfield needs 84 more GPs by 2020, but between 2010 and 2014, we lost 12 practices and had only one opened. If the 5,000 GPs appear by 2020, what will the Minister do to ensure that Enfield gets those it needs?

David Mowat: As I said earlier, we will have 5,000 further doctors working in general practice by 2020. A chunk of those will be available for every part of the country, and Enfield is included in that. I do accept that the GP system is under stress and that we need more GPs, and the points that the right hon. Lady makes are right.

Dr Andrew Murrison (South West Wiltshire) (Con): Employing more GPs is, of course, important, but the Minister is right to say that so is collaboration. How far have we got with spending the £1 billion earmarked by the Chancellor in 2014 for improving GP surgeries? Does the Minister share Ara Darzi's vision of more polyclinics, which will enable GPs to work more closely together?

David Mowat: The vision set out in the GP five year forward view is of substantially more spend in the community and of an increase, as a proportion, in the amount of money in the NHS going to people in primary care. Part of that will be in polyclinics and the estate generally. As I say, one of the most innovative things we have found in the GP vanguards is that when they start to put together groups of 30,000, 40,000 and 50,000 patients in a GP hub, the quality of care increases dramatically. We are going to accelerate that.

Innovative Drugs and Medical Devices

9. **Andrew Rosindell** (Romford) (Con): What plans the Government have to increase access for patients to innovative drugs and medical devices. [908630]

The Parliamentary Under-Secretary of State for Health (Nicola Blackwood): The challenges facing our health system are significant, so we do need to improve the uptake of those innovative technologies that can improve efficiency and patient outcomes to help to meet that challenge, while also providing a pool for investment for innovators. By capitalising on advances in genomics, data, digital health and informatics, the accelerated access review will improve access to cost-effective new products.

Andrew Rosindell: I know that the Minister will agree with me when I say that it is vital that we endeavour to ensure that the NHS gets better value for money for the drugs bill so that we can afford to get more of the latest innovative products to patients more quickly, but does she also agree that much more work needs to be done alongside the accelerated access review and the forthcoming life sciences strategy to achieve that objective?

Nicola Blackwood: I completely agree with my hon. Friend. Medicines are the second highest area of spending in the NHS after staff, and it is vital that the NHS gets best value from that investment. That is why I am pleased that the House supported our recent Bill on the cost of medicines and medicine supplies, which will enable us to tackle unjustified price rises for unbranded generic medicines. We are also working closely with NHS England to promote the use of the new wave of biosimilar medicines and to ensure cost-effective prescribing behaviour.

Nic Dakin (Scunthorpe) (Lab): When will the Government publish their response to the accelerated access review, and will that include a consideration of how to improve patient access to molecular diagnostics?

Nicola Blackwood: We are working hard on that exact point.

20. [908642] **Andrea Jenkyns** (Morley and Outwood) (Con): As the Health Secretary is aware, my constituent Abi Longfellow is suffering with a rare kidney condition—dense deposit disease. What plans do the Government have to increase access to specialist drugs for those such as Abi with ultra-rare diseases?

Nicola Blackwood: The National Institute for Health and Care Excellence and NHS England are working together to better manage access to new drugs and medical technologies for rare diseases. We are also working on the UK strategy for rare diseases and its implementation. It has 51 commitments to be implemented by 2020 to improve the lives of constituents such as my hon. Friend's.

Greg Mulholland (Leeds North West) (LD): A simple but life-saving use of medical apparatus is tube feeding. Will the Minister join me in welcoming the fact that this is Feeding Tube Awareness Week, which is raising awareness

of this important issue and giving support to all the thousands of families in which children or other family members are tube fed?

Nicola Blackwood: I thank the hon. Gentleman for drawing our attention to this issue. Sometimes the simplest solutions are the most effective. We want to make sure that such innovations are driven across the NHS more effectively, which is exactly what our academic health service networks are there for.

17. [908639] **Pauline Latham** (Mid Derbyshire) (Con): Now that four failures have been recorded of the main drug used to protect UK patients from malaria, and scientists are warning for the first time that resistance may be increasing, will the Minister outline what further steps are being taken to tackle antimicrobial resistance in the coming years?

Nicola Blackwood: AMR is a global issue. We are world leaders in this, and we are working proactively with international partners to identify new and innovative approaches to the treatment of a range of challenging resistant infections, including malaria.

Breast Cancer Drugs

11. **Siobhain McDonagh** (Mitcham and Morden) (Lab): What assessment he has made of how the accelerated access review will improve access to breast cancer drugs. [908632]

The Parliamentary Under-Secretary of State for Health (Nicola Blackwood): We are absolutely determined that we will improve access to cost-effective, innovative medicines, including breast cancer drugs. That is exactly why we introduced the cancer drugs fund.

Siobhain McDonagh: The Minister will know that “cost-effective” is not an easy thing to define. Many women will not get access to the breast cancer drugs they need unless there is a review of how NICE assesses cost-effectiveness. Will she support an independent review of those processes, and will she say something about off-patent cancer drugs?

Nicola Blackwood: The hon. Lady and I have debated this in the House before. It is worth looking at our record. The cancer drugs fund has helped 95,000 people to access cancer drugs, to the tune of £1.2 billion, and NICE has approved three breast cancer drugs, while there are others that it has not yet approved. It is important that politicians do not intervene in this debate, as these are very difficult decisions that will always be challenging in the situation where the NHS has a finite budget.

Mr Speaker: If the hon. Member for Brecon and Radnorshire (Chris Davies) were standing because he has a cancer-related question, I would call him, but if he is not, I will not. He is, so I will.

18. [908640] **Chris Davies** (Brecon and Radnorshire) (Con): I am delighted to do so, Mr Speaker—thank you very much. Given that there is no general hospital in my constituency and a large number of my constituents have to travel many miles for cancer treatment, what

discussions has my hon. Friend had with the Welsh Government to persuade them to fund mobile cancer treatments?

Nicola Blackwood: We have continual discussions with the Welsh Government to make sure that these issues are kept under review. I shall definitely write to my hon. Friend about this. I shall also be happy to meet him if he would like to discuss it in further detail.

Jo Churchill (Bury St Edmunds) (Con): Does the Minister agree that not one subject that we have discussed today would not be improved by the better transfer of patient data? How is the Department working towards linking social care with the acute sector, with GPs, with mental health services, with innovation and with cancer drugs in order to understand where we can best target patient outcomes and spend our resources?

Nicola Blackwood: My hon. Friend has a leading role with her private Member’s Bill so she is well aware that we are working very hard to improve the connection of patient data, particularly through the role of the national data guardian and her 10 safeguarding rules, which will make sure that we not only protect patient data more effectively but are able to share it in an effective way that improves patient care.

Mr Speaker: Time is against us, but I would like to make a little further progress with Back Benchers’ questions. I call Michelle Donelan.

Nursing

12. **Michelle Donelan** (Chippenham) (Con): What steps his Department is taking to increase routes into nursing. [908633]

The Minister of State, Department of Health (Mr Philip Dunne): Developing a variety of routes into nursing is a priority to widen participation and reflect the local populations served by nurses. That is why we have developed a new nursing associate role and nursing degree apprenticeships, which are opening up routes into the registered nursing profession for thousands of people from all backgrounds and allowing employers to grow their own workforce locally.

Michelle Donelan: Are there any plans to roll out the associate role to include Wiltshire, and to enable the new nursing degree apprenticeship schemes to be offered in larger further education colleges so that counties like Wiltshire that have no university can still make that provision?

Mr Dunne: We have announced the first 1,000 nursing associates. In fact, the first cohort commenced at the beginning of this month. I visited, in Queen’s hospital, Romford, the first very enthusiastic group of nursing associates. We have announced a second wave of 2,000 associate roles. I regret to say that Wiltshire does not have any of those at the moment, but that will not stop it bidding for them in future. I will look at my hon. Friend’s point about further education colleges.

Andy Burnham (Leigh) (Lab): When the Secretary of State scrapped the nursing bursary, he claimed that his reforms would lead to an increase in nursing applications. Last week, figures from UCAS showed that there had been a drop in nursing applications of 23%—a worrying

trend when the demands of Brexit will mean that we need more home-grown nurses. Will he scrap this disastrous policy or, at the very least, give Greater Manchester the ability to opt out of it and reinstate the nursing bursary?

Mr Dunne: I urge the right hon. Gentleman not to indulge in scaremongering about the number of people applying to become nurses. There are more than two applications for each of the nursing places on offer to start next August. He needs to be careful about interpreting this early the figure for applications from EU nationals, which has gone down significantly, because it coincided with the introduction of the language test for EU nationals.

Dr Philippa Whitford (Central Ayrshire) (SNP): With the reduction of 23% in applications to English nursing schools, the Minister might want to re-look at the policy. There has been a significant drop—a 90% drop—in EU nationals applying. With one in 10 nursing posts in NHS England vacant and a cap on agency spend, who exactly does the Minister think should staff the NHS?

Mr Dunne: I say gently to the hon. Lady that there are 51,000 nurses in training at present. The number of applications through the UCAS system thus far suggests that there will be more than two applicants for each place. As I have just said to the right hon. Member for Leigh (Andy Burnham), the reduction in application forms requested by EU nationals has coincided with the introduction of a language test.

Dr Whitford: Language test applications were more than 3,500 last January, so the reduction after the language test was from that to 1,300. In December, there were only 101 applications. This cannot all be blamed on the language test, so what is the Minister going to do to protect nursing numbers?

Mr Dunne: There are over 13,000 more nurses working in the NHS today than there were in May 2010. As I have just said to the hon. Lady, the language test came into effect from July last year, since when the number of applicants has been somewhat steady. It is down very significantly, but that is because, frankly, we have had applications from nurses from EU countries who have not been able to pass the language test.

Prostate Cancer

13. **Rob Marris** (Wolverhampton South West) (Lab): What proportion of prostate cancer patients wait for more than two months to begin cancer treatment after the hospital has received an urgent GP referral. [908634]

The Parliamentary Under-Secretary of State for Health (David Mowat): The national standard is that we expect 85% of all cancer patients to receive initial treatment within two months of an urgent referral. For cancer overall, the most recent data indicate that we achieve 82%, and for prostate cancer around 78%, against that standard. The lower figure for prostate is due to the fact that the pathways are more complex than average.

Rob Marris: I am disappointed by the figures, but at least they are available. When I asked this as a written question last month, the information was not available, nor was information available about the number of vacancies for prostate cancer surgeons, their training or the equipment that they use, because that information,

I am told, is not collected centrally. When will the Department collect adequate information to run the health service properly?

David Mowat: More information was published on cancer by clinical commissioning groups since the back end of last year than at any time in the history of the NHS. [Interruption.] The hon. Gentleman is right to say that prostate is grouped with neurological cancers in general, and that is the type of surgeon being employed. But the fact is that the Government have been incredibly transparent in terms of information published on cancers.

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): Last Saturday was World Cancer Day. The theme was unity, and I am still wearing my unity band with pride. We must do all we can to beat cancer, yet the Government are coming to their three-year anniversary of not meeting the 62-day wait target. Treatment quickly after diagnosis is crucial for tackling all cancers. Will the Minister outline what he is doing to ensure that that target is once again met so that patients receive timely treatment?

David Mowat: The volume has increased greatly, and there are something like 2,000 more people being diagnosed every day. The hon. Lady is right: of the eight cancer standards against which we judge ourselves, we meet seven, and the 62-day one has not been met. We need to do more to achieve that, and the cancer strategy set out a pathway for doing so. We have particularly invested in the early diagnosis component; we have invested £200 million in early diagnosis and getting a 31-day all-clear or referral for treatment. That is the pathway to meeting the 62-day target. She is right to raise this, because it is an important indicator and we need to do better.

Topical Questions

T1. [908611] **Pauline Latham** (Mid Derbyshire) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Health (Mr Jeremy Hunt): We know that a strong primary care system is the bedrock of the NHS, which is why I am pleased to announce today that NHS England will publish the new GP contract, agreed by the Government, NHS England and the British Medical Association. It will see almost £240 million extra invested in GP services; require GPs to establish whether overseas visitors are eligible for free care, allowing the NHS to better recoup the costs of that care; and improve access for patients by removing extra funding if GPs regularly close for afternoons during the working week.

Pauline Latham: Will the Secretary of State consider putting a GP in every A&E department so that they can additionally triage patients who are not so ill and advise them to go home and see their own GP on another occasion?

Mr Hunt: My hon. Friend is absolutely right. Actually, the policy is that all A&Es, where space is available, should do that. The hospitals that do it have by far the most successful results—not least Luton and Dunstable, which has pioneered that model.

Jonathan Ashworth (Leicester South) (Lab): With respect to A&Es, divers have been at twice the level of last year, 4,000 people have had urgent operations cancelled, 18,000 people a week in January were waiting on trolleys in corridors, and nine out of 10 hospitals have been overcrowded and are at unsafe levels. I have even read in the Secretary of State's local paper that his local hospital had to put patients in the gym overnight. Does the Secretary of State agree with the Prime Minister that the crisis facing our NHS amounts to a "small number of incidents"?

Mr Hunt: The NHS is under a lot of pressure, but what we never get from the hon. Gentleman is any solutions. Our solution is 600 more A&E consultants since 2010, 1,500 more A&E doctors, 2,000 more paramedics, and 2,500 more people being seen within four hours every day. His solution at the last election was to cut the NHS budget by £1.3 billion.

Jonathan Ashworth: The Secretary of State's solution has been to blame everybody else but never take responsibility himself.

What is the Secretary of State going to do about the crisis that we are now facing in staffing? Last week, we learned that half of junior doctors are abandoning specialist training. We have already heard that applications for nursing degrees are down by a quarter following the axing of the student bursary and we heard today that there is a shortage of midwives. I know that the right hon. Gentleman has been in the US and that he will try to give us his alternative facts, but when will he give us an alternative plan and deal with the staffing crisis—an issue that the Minister of State, the hon. Member for Ludlow (Mr Dunne), could not respond to a few moments ago?

Mr Hunt: Let us look at the reality, instead of the hon. Gentleman's rhetoric. In his own local trust in Leicester, there are 246 more nurses than in 2010 and 313 more doctors. Some 185 more patients are being seen in A&E every day and next year a new £43 million emergency floor will open at the Leicester Royal Infirmary. That is because we are backing the NHS instead of wanting to cut its budget.

T2. [908612] **Mr John Baron** (Basildon and Billericay) (Con): The recently introduced one-year cancer survival rate indicator is a beacon of light in a system still too focused on process targets. What more can the Government do to hold underperforming clinical commissioning groups to account for that outcome indicator, given that we are still failing to catch up with international averages when it comes to our survival rates?

The Parliamentary Under-Secretary of State for Health (David Mowat): My hon. Friend is right to say that we now publish one-year survival rates for every CCG in the country, and I agree that that is a beacon of light and a transformative step. It also shows differences of more than 10% between the best and the worst, which is unacceptable. The transparency itself will bring improvement, but we have also recently established 16 cancer alliances, whose sole job is to roll out best practice and investigate and bear down on poor performance.

T4. [908614] **John Pugh** (Southport) (LD): Will the Minister update the House about NHS litigations, which rocketed to £1.4 billion last year? Are they anything like under control?

Mr Hunt: The hon. Gentleman is absolutely right; this issue is a very big concern. The only way, in the long run, to reduce those litigation costs is to have safer care. That is why the Government have prioritised safety in everything we do.

T3. [908613] **Derek Thomas** (St Ives) (Con): If someone in St Ives suffers a severe stroke, they will have a far better chance of a full recovery if they get quick treatment and then proper therapy and rehabilitation in the community. That does not happen for everybody. What is the Department going to do to ensure that there will be a national stroke strategy?

David Mowat: The current stroke strategy was produced in 2007 and our priority is to implement it fully. Frankly, in my time as a Minister, I would prefer to have detailed implementation plans and not more strategies. My hon. Friend refers to the great differences in performance across the country, in particular in access to speech and language therapy, and we need to achieve better on that.

T5. [908615] **John Mc Nally** (Falkirk) (SNP): My Falkirk constituents, Michelle and Justin Young, have been through the lengthy treatment approval process for their son, Michael, to access the Duchenne muscular dystrophy treatment Translarna. Thankfully, Michael is now receiving it. With a growing number of emerging treatments for rare diseases expected in the forthcoming years, what action are the Government taking to increase the capacity of the Medicines and Healthcare Products Regulatory Agency when the UK leaves the EU? Most importantly, will the Secretary of State or the Minister agree to meet Muscular Dystrophy UK—

Mr Speaker: We got the thrust of it.

The Parliamentary Under-Secretary of State for Health (Nicola Blackwood): I pay tribute to the work of the charity the hon. Gentleman mentioned, which does very important work, and have sympathy for the case he mentioned. The UK's rare diseases strategy has 51 recommendations, which are driving changes through the NHS and improving the life chances of patients with rare diseases. Our genomics work is also bringing life-changing improvements to patients with rare diseases by diagnosing them faster and improving their chances of receiving treatment quicker.

T6. [908616] **Mark Menzies** (Fylde) (Con): People in Lancashire will be pleased that the emergency department in Chorley has reopened, providing access for people 12 hours a day. Will my hon. Friend welcome that good news and thank everyone involved?

The Minister of State, Department of Health (Mr Philip Dunne): I am grateful to my hon. Friend for recognising the work that went into reopening the A&E at Chorley last month. I am delighted, in particular, by the work that was done by the Deputy Speaker and my hon. Friend the Member for South Ribble (Seema Kennedy).

T7. [908617] **Meg Hillier** (Hackney South and Shoreditch) (Lab/Co-op): Last year, hospital trusts were urged by Department of Health officials to raid their capital budgets to cover resource funding. Does the Secretary of State think that is a good way forward, and what instructions is he giving officials this year?

Mr Hunt: I recognise that it is not a sustainable position to have to do that. Pressures on the frontline meant that it had to happen, but we do need to invest for the future and I agree with the hon. Lady that capital budgets are very important.

Andrew Selous (South West Bedfordshire) (Con): Young people with severe anxiety can spend years out of school and become very isolated. Does the Secretary of State agree that we need to think more imaginatively about community and voluntary solutions to reach out to those young people, whose futures we must not give up on?

Mr Hunt: I absolutely agree. About 3% of schoolchildren have severe anxiety, but if we get treatment to them quickly, often we cure the condition and it does not come back. My hon. Friend is absolutely right that we need to be as imaginative as possible.

T8. [908619] **Norman Lamb** (North Norfolk) (LD): I have to report back to a constituent who is desperate for treatment that the current waiting time for the adult ADHD clinic is two years. In 2014, the Secretary of State and I published a vision to achieve comprehensive maximum waiting time standards in mental health so that people with mental ill health had exactly the same right to access treatment in the same time. Why on earth can the Government not end the outrageous discrimination against people with mental ill health?

Mr Hunt: I am always somewhat disappointed by the right hon. Gentleman's rhetoric, given that we are spending about £1 billion more every year than when he was mental health Minister. This April, we will reintroduce maximum waiting times for eating disorders. As he knows, we have committed to publish pathways for all conditions during this Parliament. That will include his constituent who, I agree, is waiting much too long at the moment.

Jake Berry (Rossendale and Darwen) (Con): Some GP practices in east Lancashire have, through sheer frustration, started publishing the number of missed appointments. When will the Secretary of State consider giving GPs the power that they want, and that the public want them to have, to charge those who miss repeated GP appointments, including in east Lancashire?

Mr Hunt: I have sympathy for people who are frustrated about that issue. As I have said before, my objection is not one of principle; it is whether it is practical to do it. Perhaps that is something that GPs could decide at a local level.

T9. [908620] **Paula Sherriff** (Dewsbury) (Lab): The Health Secretary said there was a "small" number of incidents in the NHS this winter. What is his definition of "small"? We had what I would call a large number in my constituency alone. I extend an invitation to him to visit my local hospital and see that for himself, as the shadow Health Secretary will later this week.

Mr Hunt: May I gently tell the hon. Lady that I do not think our debates on the NHS are helped by her taking my comments out of context? I was quoting Chris Hopson, from NHS Providers, talking about a specific week when he said there were, in that week, a small number of incidents. We recognise the pressures across the NHS, which is why this Government are backing the NHS with record funding.

Mr Steve Baker (Wycombe) (Con): A small business in my constituency was driven out of business by slow payments for relatively small sums by NHS providers. Will he ensure strict compliance with the guidelines for timely payments?

Mr Dunne: My hon. Friend will be aware that best practice for NHS bodies is to pay within 30 days. I am pleased to be able to tell him that figures for the quarter ending in September show that the Department of Health paid 98.4% of our bills within five days—one of the best performances across government.

Steven Paterson (Stirling) (SNP): The Royal College of Psychiatrists warns that half of all child and adolescent mental health training posts are unfilled. With 11% of trainees being EU nationals, how do the Government plan to avoid a Brexit-inspired staffing crisis?

Mr Hunt: Because, as we have said many times, post-Brexit this country will remain open to the brightest and the best.

Dr Tania Mathias (Twickenham) (Con): My constituent, Nicola Johnson, has had primary breast cancer. The secondary was discovered at 10 months. Will the Minister meet me and Nicola, because she falls within the six-month to 12-month period? She is eligible for neither pertuzumab nor trastuzumab emtansine.

Nicola Blackwood: I shall be very happy to meet my hon. Friend about that very difficult case.

Ms Margaret Ritchie (South Down) (SDLP): What further efforts have been made to increase the level of nurses' pay, many of whom have high levels of training, expertise and qualifications?

Mr Dunne: We recognise that nurses and other health workers deserve a cost-of-living increase. As the hon. Lady will be aware, the NHS pay review body is due to make its recommendations in a few weeks. We will be looking at them closely.

Several hon. Members *rose*—

Mr Speaker: Demand dramatically exceeds supply, as usual, but we will have one last question. I call Tom Pursglove.

Tom Pursglove (Corby) (Con): Thank you, Mr Speaker. Corby and east Northamptonshire is taking thousands and thousands of new homes. What reassurance can Ministers give to my constituents that GP services will keep up with housing growth?

Mr Hunt: I can absolutely reassure my hon. Friend that we take that into account in all the funding we give for NHS primary care, but it depends on having a strong economy. That is something this Government will always do for the NHS.

Housing White Paper

12.37 pm

The Secretary of State for Communities and Local Government (Sajid Javid): With permission, Mr Speaker, I would like to make a statement on the Government's housing White Paper "Fixing Our Broken Housing Market", copies of which I have placed in the Libraries of both Houses. I had hoped, Mr Speaker, that this housing White Paper would dominate the headlines this morning, but it seems that someone else has beaten me to it. [*Laughter.*]

Mr Speaker: Let me just gently say to the right hon. Gentleman that I did make my statement to the House first. [*Applause.*] We should not have clapping, as the hon. Member for Colne Valley (Jason McCartney), a strict proceduralist, correctly points out. I am glad that the right hon. Gentleman is in such fine fettle and good humour.

Sajid Javid: Touché, Mr Speaker.

Our housing market is broken. Since 1970, house price inflation in Britain has far outstripped that in the rest of the OECD. The idea of owning or renting a safe, secure place of one's own has, for many, now become a distant dream. Over the past seven years the Government have done much to help. We have taken action on both supply and demand, and the results have been positive. Last year saw a record number of planning permissions granted, and the highest level of housing completions since the recession. Between 1997 and 2010, the ratio of average house price to average income more than doubled, from 3.5 to 7. In the five years to 2015, however, it crept up to just over 7.5—just a little but still heading in the wrong direction.

Behind the statistics are millions of ordinary working people. I am talking about the first-time buyer who is saving hard but will not have enough for a deposit for almost a quarter of a century, or the couple in the private rented sector handing half of their combined income straight to their landlord. The symptoms of this broken market are being felt by people in every community, and it is one of the biggest barriers to social progress that this country faces, but its root cause is simple: for far too long, we have not built enough houses. Relative to population size, Britain has had western Europe's lowest rate of house building for three decades. The situation reached its nadir under the last Labour Government, when, in one year, work began on just 95,000 homes—the lowest peacetime level since the 1920s.

Thanks to the concerted effort of central and local government, last year 190,000 new homes were completed, but it is still not enough. To meet demand, we have to deliver between 225,000 and 275,000 homes every year. In short, we have to build more of the right houses in the right places, and we have to start right now. Today's White Paper sets out how we will go about doing just that. House building does not just happen. Meeting the unique needs of different people and different places requires a co-ordinated effort across the public and private sectors. There is no magic bullet; rather, we need action on many fronts simultaneously.

First, we need to plan properly so that we can get the right homes built in the right places. To make this happen, we will introduce a new way of assessing housing need. Many councils work tirelessly to engage their communities on the number, design and mix of new housing in their area, but some duck the difficult decisions and fail to produce plans that meet their housing need. It is important that all authorities play by the same rules. We need to have a proper conversation about housing need, and we need to ensure that every local area produces a realistic plan that it reviews at least every five years.

Once we know how many homes are needed we need sites on which to build them, so the White Paper contains measures to help identify appropriate sites for development—not simply empty spaces but useable, practical sites where new homes are actually required. I can reassure the House that this will not entail recklessly ripping up our countryside. In 2015, we promised the British people that the green belt was safe in our hands, and that is still the case. The White Paper does not remove any of its protections.

Government should not be in the business of land banking, however, so we will free up more public sector land more quickly. We will increase transparency around land ownership, so that everyone knows if someone is unfairly sitting on a site that could be better used. Moreover, people need a say on the homes that are built in their area, so everywhere must have a plan in place and ensure that communities are comfortable with the design and appearance of new homes.

The second area of focus is all about speeding up the rate of build-out. At the moment, we are simply not building quickly enough. Whether that is caused by unacceptable land banking or slow construction, we will no longer tolerate such unjustified delays. We will speed up and simplify the completion notice process; we will make the planning system more open and accessible; we will improve the co-ordination of public investment in infrastructure and support timely connections to utilities; and we will tackle unnecessary delays caused by everything from planning conditions to great crested newts.

We will give developers a lot of help to get building, and we will give local authorities the tools to hold developers to account if they fail to do so. Local authorities also have a vital role to play in getting homes built quickly, and I am therefore looking again at how they can use compulsory purchase powers. We will also introduce a new housing delivery test to hold them to account for house building across their local area.

Finally, the White Paper explains how we will diversify the housing market. At present, around 60% of new homes are built by just 10 companies. Small independent builders can find it almost impossible to enter the market. This lack of competition means a lack of innovation, which in turn leads to sluggish productivity growth, so we will make it easier for small and medium-sized builders to compete. We will support efficient, innovative and underused methods of construction such as off-site factory builds. We will also support housing associations to build more and explore options to encourage local authorities to build again, including through accelerated construction schemes on public sector land. We will encourage institutional investment in the private rented sector, and we will make life easier for custom builders who want to create their own home.

Together, these measures will make a significant and lasting difference to our housing supply. It will, however, take time, but ordinary working people need help right now. We have already promised to ban letting agents' fees, and this White Paper goes further. We will improve safeguards in the private rented sector, do more to prevent homelessness and help households that are currently priced out of the market. We will tackle the scourge of unfair leasehold terms, which are too often forced on hard-pressed homebuyers. We will work with the rental sector to promote three-year tenancy agreements, giving families the security that they need to put down their roots in a community.

In the past few years, we have seen almost 300,000 affordable home units built in England. We have seen housing starts increase sharply, and we have seen more people getting on the property ladder, thanks to schemes such as Help to Buy. We now need to go further—much further—and meet our obligation to build many more houses of the type that people want to live in in the places where people want to live. That is exactly what this White Paper delivers. It will help the tenants of today who are facing rising rents, unfair fees and insecure tenancies; it will help the homeowners of tomorrow to get more of the right homes built in the right places; and it will help our children and our children's children by halting decades of decline and fixing our broken housing market. It is a bold, radical vision for housing in this country, and I commend it to the House.

12.46 pm

John Healey (Wentworth and Dearne) (Lab): I thank the Secretary of State for the customary copy of his statement just beforehand, but really, I have to say, "Is this it?" When the Housing Minister himself admits that the Government's record on housing is feeble and embarrassing, we had hoped for better. In fact, we needed better. This afternoon's statement will desperately disappoint millions of people struggling month to month with a cost of housing crisis.

I have to say that the statement was feeble beyond belief. After seven years of a Conservative Government, the Secretary of State says that we need to have "a proper conversation" about housing need, and his top priority is a "new housing delivery test". How many times before have we heard Ministers say that they will free up more public sector land more quickly?

It is also clear today that we have not just a housing crisis in this country, but a crisis in the Conservative party about what to do about it. The huge 200-page Housing and Planning Act 2016 is not even mentioned today. We heard a boast beforehand of radical action on planning from the Secretary of State, but it has been stamped on by the Prime Minister today. We have heard of rows between Conservative Back Benchers and the Secretary of State, and that local councillors have resigned as a result of the right hon. Gentleman's decisions. This White Paper is not a plan to fix the housing crisis, and it will do nothing to reverse the seven years of failure on housing that we have seen since 2010.

Let me turn to some of the areas where we needed strong action in today's statement. The first is home ownership. There were 1 million more homeowners under Labour, but seven years under the Conservatives

has seen home ownership falling, and it is in freefall for young people. Yet this White Paper confirms that the Tory party has given up on home ownership, because it waters down the promise to help those who need help to get a first foot in the housing market. I thus say to the Secretary of State: why not reverse the cuts to investment in new affordable homes to buy that has resulted in the number of new low-cost homes built falling to just 7,500 a year? Why not stop those earning over £100,000 getting help through Help to Buy, and make it available only to first-time buyers, not to second-time or subsequent buyers?

Secondly, there is homelessness. After being cut to record lows under Labour, the number of people sleeping rough on our streets has more than doubled, but we did not hear a single mention of that in the statement. Why can the Secretary of State not accept that this shames us all in a country as decent and well off as ours, and why will he not adopt the Labour plan to end rough sleeping within a Parliament?

Thirdly, we need action to help renters. How will simply working "with the rental sector to promote three-year tenancy agreements" help the country's 11 million current renters? Why will the Secretary of State not legislate for longer tenancies, tied to predictable rent rises and decent basic standards?

Finally, there is the need to build more homes. The Government have pledged to build a million new homes by 2020, but last year the total number of newly built houses was still less than 143,000, while the level of new affordable house building has hit a 24-year low. We need to see all sectors—private house builders, housing associations and councils—firing on all cylinders to build the homes that we need. Why will the Secretary of State not drop the deep Tory hostility to councils, and let them build again to meet the needs of local people?

It is tragically clear from the statement that seven years of failure on housing are set to stretch to 10. We were promised a White Paper, but we have been presented with a white flag. This is a Government with no plan to fix the country's deepening housing crisis.

Sajid Javid: Today, the right hon. Member for Wentworth and Dearne (John Healey), as shadow Housing Minister, had a chance. He had a chance to adopt a cross-party approach, to behave like an adult—a mature person—and to help with the difficulties that have faced so many people, under many Governments, for more than 30 years. Instead, he chose to play cheap party politics.

I could respond in the same way. As I said in my statement, work began on only 95,000 homes—the lowest number since the 1920s—in a particular year, and I believe that the right hon. Gentleman was the Housing Minister at the time. However, that is not what people want to hear. People want to hear the truth. They want to hear Governments, and politicians more generally, recognise the size of the problem. They want them to recognise that at this moment, in every one of our constituencies, young people are staring into the windows of estate agents, their faces glued to them, dreaming of renting or buying a decent home, but knowing that it is out of reach because prices have risen so high. The vast majority of that rise in prices took place when Labour was last in power, more than doubling as a ratio to income, from 3.5 times to 7. But people also want to know what we are doing about it, and that is what is in the White Paper.

[Sajid Javid]

The right hon. Gentleman asked a number of questions. He mentioned home ownership. Home ownership declined as a percentage under Labour: it declined sharply, because not enough homes were being built. It is time the right hon. Gentleman took responsibility for that. He asked about homelessness. Just over a week ago, on a Friday, we debated the Homelessness Reduction Bill in the House. It was Labour shadow Ministers who tried to destroy that Bill by tabling fatal amendments, and the only reason they backed off was that they were begged to do so by housing and homelessness charities, including Crisis. That is where Labour stands on homelessness.

The right hon. Gentleman talked about renters. We have recognised in the White Paper that we should have a policy that meets the needs of not only those who want to own their own homes, but those who want to rent decent homes. Finally, the right hon. Gentleman talked about councils, and what he said proved that he had not listened to any of my statement. He came into the Chamber with a pre-written speech, not wanting to listen to any part of the debate. If he had listened carefully, he would know that what he wanted me to say was exactly what I said.

The truth is that the right hon. Gentleman had a chance and he flunked it. I do not think that many of his colleagues are with him on this issue. I sense that many of them want a cross-party approach: they want a Government to work with politicians on both sides of the House to deal with the issue once and for all. I certainly know, having dealt with many of his colleagues on local councils, that local Labour leaders are working with the Government because they have given up on this excuse for an Opposition.

Mr Andrew Mitchell (Sutton Coldfield) (Con): There is much to be welcomed in the White Paper. It is essential for us to build new communities and new homes, but to build them in the right places. I am also pleased that the Government have decided not to relax the green belt rules further. The Secretary of State has rightly described those rules as sacrosanct. However, does he understand the deep anger that is felt throughout Sutton Coldfield, where the reasonable views of 100,000 people have been totally ignored by a Labour council during a deeply flawed process involving the unnecessary building of 6,000 homes on our green belt, and their frustration at the fact that the Government have not been able to stop that process?

Sajid Javid: I know that my right hon. Friend feels passionately about this issue, and I am pleased that he pointed out that the White Paper refers to the retaining of protections for the green belt. He referred to a particular case in his constituency. When local authorities have made a proper assessment of housing need and that assessment has been signed off by an independent planning inspector, it is important for us not to get in their way.

Alison Thewliss (Glasgow Central) (SNP): I thank the Secretary of State for giving me advance sight of his statement, and for providing me with a copy of the White Paper. I must say that it is pretty thin. I have it here: this bit is the substance, and this bit is the consultation. However, it was good to hear the Secretary of State acknowledge the gap between the Tory Government's

rhetoric on house building and their actual record. It is always nice to observe a recognition of failure on their part.

We have embarked on another year, and we have yet another housing Bill, with no solutions in sight. We should contrast that with what is being done by the Scottish Government—[HON. MEMBERS: “Oh no!”] The Tories would do well to listen to what I am saying, because we have a record of success. Having exceeded our targets for the previous Parliament, our Housing Minister, Kevin Stewart, has set a target of 50,000 affordable homes in the current Session. We already have local housing strategies and strategic housing investment plans—comprehensive five-year plans which each local authority is required to produce. The Secretary of State might want to have a look at the Glasgow SHIP, which was published recently.

In his statement, the Secretary of State mentioned building on brownfield land. It must be recognised that contaminated, derelict brownfield land may need significant Government investment to make it ready for use, and the £1 billion fund will not go far enough to deal with the contamination that exists. The statement referred to ways of achieving progress in respect of land planning applications. Quality is also important, as is place-making. We need only look at the example of North Kelvin Meadow in Glasgow. The local community felt that what was being proposed was not good enough, and had to take their objection all the way through the Scottish Government's planning process.

The Secretary of State mentioned types of innovative house building. The Commonwealth games village in Glasgow was built through the use of such innovative methods, and there are other great examples in Scotland that show what can be done. I am glad to note that insurance issues are being considered, because they are incredibly important.

Finally, may I ask the Secretary of State to consult the Private Housing (Tenancies) (Scotland) Act 2016 for examples of good practice? Will he acknowledge the existence of the elephant in the room—the continual ideological pursuit of the right to buy, which is ruining people's opportunities to gain access to affordable housing?

Sajid Javid: I want all the people of the United Kingdom to have access to decent homes, to rent or to buy, and that, of course, includes the people of Scotland. As the hon. Lady knows, my remit is only for England, and that is the focus of the White Paper. She mentioned a number of English policies, including the right to buy. We are very proud of that policy, whether it relates to council homes or to our commitment to housing association tenants. I think it right for us to support people who want to own their homes, as well as those who want to rent decent homes. However, there is one thing that both Scottish and English people require in order to have access to decent homes, and that is a decent income, which means having a job. I think that the situation would have been very different for Scottish people if the hon. Lady had had her way and Scotland had become independent.

Mr Peter Lilley (Hitchin and Harpenden) (Con): I congratulate my right hon. Friend on bringing a Macmillan-like sense of urgency to tackling the housing crisis, which causes or aggravates most of the social

problems we face. The first step is being honest about how many homes we need and where we need them, so I welcome his bringing forward a new standard methodology for assessing housing need. Can he reassure me that that will include the affordability of housing, so that it deals with the places where the pressure is most acute?

Sajid Javid: My right hon. Friend makes a very important point. The starting point has to be that every local authority makes a realistic assessment of need, and in order for it to be realistic, it must look at the market pressures locally, which of course include affordability.

Mr Clive Betts (Sheffield South East) (Lab): I welcome the Government's recognition that the housing need in this country cannot be met by building homes for sale alone, and that we also need homes that people can afford to rent. May I therefore seek two points of clarification? In the case of schemes that receive public money, will the Homes and Communities Agency, councils and housing associations be allowed to negotiate the right tenure mix for each scheme, including through funding being made available for social housing where that is appropriate? Secondly, on section 106 agreements, will councils now be free to negotiate with developers the right types of affordable housing in each scheme, and will the requirement to give preference to starter homes be dropped?

Sajid Javid: I always listen carefully to what the Chair of the Select Committee on Communities and Local Government has to say, and he highlights an important issue. He asked two specific questions. On tenure mix and the use of public money, we will certainly make sure that that money is used to help promote homes that are available for rent, whether through the HCA or by working with councils and housing associations. We will also require all local authorities, when they go through their plan-making process, to think about the tenure and the mix that is required in the area, and to allocate accordingly. That will also stretch to when section 106 agreements are applied.

Sir Nicholas Soames (Mid Sussex) (Con): Mid Sussex District Council is keen to build homes, and many people in my constituency work diligently to produce neighbourhood plans, only for them to be undermined by the ruthless behaviour of some rogue developers. Does my right hon. Friend agree that if we are to deliver the imaginative vision he has outlined to the House today, we need to curb that sort of behaviour?

Sajid Javid: My right hon. Friend highlights the importance of neighbourhood plans. I know that he is aware of the current Bill going through Parliament, the Neighbourhood Planning Bill, which is strengthening that part of the plan-making process, but I think he will also be pleased to see in this White Paper the further steps that we are taking to achieve precisely what he wants: local communities being taken more seriously through their neighbourhood plans.

Ms Karen Buck (Westminster North) (Lab): Constituencies such as mine will be stripped of desperately needed social housing by the proposals in the Housing and Planning Act 2016 for the forced sale of high-value

properties. In the spirit of what the right hon. Gentleman is saying today and the White Paper, can he confirm that he will no longer proceed with that policy?

Sajid Javid: I cannot confirm that, because we are committed to allowing people who live in housing association homes the right to buy. We have started a process of pilots, as I think the hon. Lady will be aware; some 3,000 homes, I think, are involved in that. Once that is complete, we will decide how exactly to take the policy forward.

Mr Richard Bacon (South Norfolk) (Con): What lessons can we learn from the Netherlands and Germany, and how can we encourage land pooling, as in Germany, where local authorities work in collaboration with landowners to make serviced plots of land available so that individuals and families can bring forward their own self-build and custom house building schemes?

Sajid Javid: I thank my hon. Friend for the work he has done to promote self-build and custom build. That is certainly one lesson we can learn from the Netherlands and Germany, and I have seen some good examples in those countries. He also mentioned land pooling, and there are some fantastic examples in the Netherlands; I went to see them, and they were so good that I put them in the White Paper.

Tim Farron (Westmorland and Lonsdale) (LD): I hope the Secretary of State will forgive me, but I think he flatters himself if he thinks that even on a quiet news day this White Paper would have deserved headlines; it is an unambitious and disappointing paper. I want to pull out one particular aspect of it. The paper refers to a family outside London in the market for an affordable home as being on an average income of £80,000 a year. I wonder if I may respectfully ask what planet he is living on. Average incomes in my constituency are £26,000 a year. Does that not prove that what we really needed was a commitment to genuinely affordable homes and the building of 1 million new council homes? Will the Secretary of State instead commit the capital funding to do that, and to lift the borrowing cap so that councils can build again?

Sajid Javid: First, may I thank the hon. Gentleman for turning up today? The answer to his question is more supply—whether it is council homes, housing association homes or private sector homes, we need more supply. That is the only way to tackle affordability.

Anna Soubry (Broxtowe) (Con): Conservative-run Broxtowe Borough Council is doing everything it can to defend our green belt, but that is very difficult because the previous Labour-Lib Dem administration approved a plan for thousands of houses on our green belt. But the biggest problem the council has is that many small builders are having real problems getting access to finance, particularly because of the risk weighting. What steps is my right hon. Friend taking to make sure that small and medium-sized builders have better access to financing, so that, when we can, we build those new homes?

Sajid Javid: My right hon. Friend makes a very good point. I have talked about the importance of having more small builders. With finance, one particular way that we are helping is through the new home building fund, launched in September with £3 billion of funding,

[Sajid Javid]

much of it available to the small and medium-sized house building sector. There are also a number of other measures beyond finance in the White Paper to help that sector, and I know that when my right hon. Friend sees them, she will welcome them.

Kate Hoey (Vauxhall) (Lab): Does the Secretary of State have any special plans to deal with the very difficult situation in inner-city areas, particularly along the river, such as in my constituency, where we have owners coming from way outside this country and leaving flats empty for a very long time? Are the Government not prepared to buy up some of that land themselves and allow local councils to build truly affordable housing?

Sajid Javid: The hon. Lady might be aware that some of the type of land she refers to will be public land—it might be owned by different Departments or even local government—and there is a lot in the White Paper on what is called the accelerated construction programme, whereby Government can work together with councils and the private sector to develop more quickly.

More generally, the hon. Lady talks about empty homes, but in fact the number of empty homes in England has fallen to its lowest level since records began—the figure is just over 200,000; there is still more to do—and that is partly because of some of the changes we made to the new homes bonus, which gives local councils incentives to bring those homes back into use.

Mr Mark Harper (Forest of Dean) (Con): Conservative-run Forest of Dean District Council is working hard to get its local plan in place. It gives out planning permissions to get new homes put in place, but gets frustrated when developers do not build them, and then the same developers put in speculative applications and argue that there is no land supply, because they are not building their own houses. I welcome what is in the White Paper, but what more can my right hon. Friend do to make sure those developers build the houses? As the excellent Housing Minister has said, people cannot live in planning permissions, they need houses.

Sajid Javid: My right hon. Friend makes an important point. He is right that many local authorities rightly get frustrated when they take those difficult decisions and then do not see the houses being built. There is a lot in this White Paper to tackle that. I gave one example a moment ago in my speech about compulsory purchase in the most extreme cases, but councils will also have new tools. For example, they will be able to put a time limit in place when they give a planning permission, so that it will expire if the developer does not create the homes in time. Also, completion notices will become much easier to serve, which will allow a local authority, when a developer has stalled, to end the planning permission and try again with someone else.

Mr David Winnick (Walsall North) (Lab): May I tell the Secretary of State that house prices in my part of the country are far removed from those in London and the south-east, yet many, many people are still unable to buy because of low wages? What they require

first and foremost is decent, secure rented accommodation, which will come, in the main, from the public and voluntary sector. May I add that in all the years I have done this job, not one—literally, not one—person has ever asked me to be rehoused in the private sector?

Sajid Javid: I agree with the hon. Gentleman that we need more decent homes for rent. However, this comes back to the same problem, whether in renting or buying, which is that we need a greater supply of homes, particularly for rent. There is a lot in the White Paper that will encourage what we are calling Build to Rent. When local authorities are plan-making, we want them to think about rented accommodation, but we also want to support the sector that will build homes specifically for rent.

Nusrat Ghani (Wealden) (Con): I welcome the White Paper, which will enable families to secure a home or to feel secure in their present home. However, the lack of infrastructure funding in my constituency presents a barrier to development, with concerns around amenities, broadband and road and rail networks. Will my right hon. Friend confirm that the housing infrastructure fund will provide vital new money to overcome those issues in areas such as Wealden?

Sajid Javid: That is right; my hon. Friend is right to focus on the housing infrastructure fund. It was announced in the last autumn statement, and it goes live in April this year. It is just one of the new ways in which we are trying to ensure that, when local authorities make decisions, the infrastructure can quickly be put in place to support them.

Rosie Cooper (West Lancashire) (Lab): My constituents feel that localism is all but dead. Will the Secretary of State expand on how he intends to strengthen the planning laws to ensure that their voices are heard much more loudly than those of the avaricious developers who are trying to thwart the local plan and defy any remaining vestiges of localism?

Sajid Javid: We rightly follow a policy of letting local authorities set out their plans and determine what is right for their area, but it is important to ensure that that is not used by some authorities—it is only some—as an excuse for avoiding making tough decisions. We have a housing shortage in virtually every part of England. That includes much of the south-east, and I can think of areas in the north as well. We can tackle that only if local authorities are honest about their needs and if they plan on that basis.

Jake Berry (Rossendale and Darwen) (Con): People across my constituency will welcome the White Paper, which will make a huge change to people's opportunities to buy their own home. I particularly welcome the changes in tenure that are set out in the document. Will the Secretary of State think about whether we also need to update the leasehold enfranchisement legislation to take account of the fact that our housing stock is moving towards mixed tenure?

Sajid Javid: Yes, I can confirm to my hon. Friend that I am doing that. The process has already begun, and I talk a bit about it in the White Paper. I am particularly interested in the possibility that abuse is taking place

when people buy a stand-alone home—not a flat—on a leasehold basis. I have seen some of the agreements relating to how the ground rents work, and I am looking into the matter. A consultation has been announced in the White Paper.

Fiona Mactaggart (Slough) (Lab): House prices in Slough have risen by 39% over the past two years, which is faster than anywhere else in the country, and our affordability ratio is something like double the one that the Secretary of State quoted. What is he going to do for places such as Slough that are built up to their boundaries but are surrounded by Conservative councils that simply will not provide homes in their areas? We are now housing people who commute to London, but we cannot find homes that the local nursery nurses, street cleaners and other people that our community really needs can afford.

Sajid Javid: One thing that we can do better across the country is to take density more seriously. We need to use the available land that is not green belt much more efficiently. Many cities and big urban areas across Europe have managed density a lot better than we have, and the White Paper contains a requirement that, when local authorities put plans in place, they start to take density seriously. We will even be setting out indicative requirements for provisions that could really help in some urban areas.

Mark Pritchard (The Wrekin) (Con): I welcome the Secretary of State's statement, and the protection in the White Paper for greenfield sites and the green belt. I have a question on the issue of appeals. The Muxton ward in my constituency currently has three public inquiries taking place, and a fourth might be coming along. What further reforms to the appeals process could be introduced while ensuring that developers and local authorities can still use the right of appeal under planning legislation?

Sajid Javid: My hon. Friend makes a good point. People have a right to appeal, and many cases go to appeal in our constituencies, but frankly, some of them are frivolous cases that really should not be appealed. One reason why that happens is that there is currently no cost attached to making an appeal. It is free, so many people do it. That is going to end, and we have announced in the White Paper that we are introducing a fee.

Ann Coffey (Stockport) (Lab): Some councils have fallen short of meeting their housing need for years because their local plans have protected the green belt, limiting the supply of land. If that is also the Secretary of State's priority, how is he going to achieve his ambition for safe, secure homes, particularly for families who do not want to live in high-rise flats, on the scale that he has outlined today?

Sajid Javid: Approximately 13% of the land in England is green belt. There is therefore a huge amount of land that is not, and that land should be the priority. We should use brownfield land, we should increase density and we should encourage better co-operation with neighbours. That should always be the priority. There are cases when a local authority decides that the tests for using the green belt have been met, and when that is

properly done and the site has been inspected by the planning inspectorate, the local community can decide to build there, but that should not be the priority. The priority must be brownfield sites and better use of density.

Sir Desmond Swayne (New Forest West) (Con): If it is not in the interests of builders to sufficiently reduce price by increasing supply to the necessary extent, is not the answer to afford greater empowerment to the public sector?

Sajid Javid: There are lots of answers to that question. My right hon. Friend is absolutely right that there is an important role for the public sector to play, whether indirectly through housing associations or through councils. There are excellent examples of councils with house building programmes. A diversity of supply is required, and the public sector has a role to play in that.

Lucy Powell (Manchester Central) (Lab/Co-op): I am pleased that the Government have finally recognised that the housing market is broken, but I disagree with the Secretary of State's prescription that supply is the only answer. In Manchester, we have built thousands of new homes and upgraded all the council homes to a decent standard, but far and away the worst-quality housing in Manchester is in the private rented sector. It is unfit for human habitation, infested, damp and dirty, and it is being paid for, by and large, by the taxpayer through housing benefit. When will the Government intervene in that broken market?

Sajid Javid: Whether homes are made available to rent or to buy, certain standards must be met. It is important that we apply high standards and that we do not have a race to the bottom. I beg to differ from the hon. Lady's assertion, however, because Manchester also has a supply problem—[*Interruption.*] The No. 1 problem is a supply problem. Manchester, like so many other parts of Britain, has not built enough homes.

John Penrose (Weston-super-Mare) (Con): Will the Secretary of State confirm that the White Paper encourages building up, not out, in urban areas? That should reduce the pressure on the green belt, regenerate urban centres, cut commuting times and make rents and mortgages more affordable. What assessment has he made of the number of new urban sites that could be released for housing in that way, and of the size of the corresponding fall in development on greenfield sites?

Sajid Javid: I can confirm to my hon. Friend that that is an important measure in the White Paper. I also want to congratulate him on his work to promote density. He has shared with me and others many examples from around the world of this being done properly. One thing that I am particularly interested in—it is in the White Paper—is making better use of our transport hubs. They often have huge car parks, for example, and much of that space could be used to create high-density housing in a location that people would find highly desirable, with the car parks being put underground. That is among the good examples from around the world, and I am glad that my hon. Friend is encouraging such plans.

Several hon. Members *rose*—

Mr Speaker: Order. On my reckoning, at least 60 colleagues are still seeking to catch my eye. It will be almost impossible to accommodate them all, but I will be helped if people can confine themselves to asking one-sentence questions without preamble, and if the Secretary of State can continue to make his pithy replies. On the matter of simple, one-sentence questions, I call Mr Barry Sheerman.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): The big lie at the heart of our housing policy is that we can create new houses on brownfield land. All the research shows that the brownfield land that is good for building has already been used. The fact is that we have to build on greenfield land to give people the chance of having a decent home. Why does the Secretary of State not have the courage to build on greenfield land?

Sajid Javid: A colourful one-sentence question, Mr Speaker. I do not agree with the hon. Gentleman. Take Madrid, for example, where the housing density is more than four times that of London. I do not know whether the hon. Gentleman has been to Madrid, but he would find that it is a perfectly beautiful, well-designed city that shows what can be done with density.

Mr Speaker: Pithiness from a philosopher perhaps? I call Sir Oliver Letwin.

Sir Oliver Letwin (West Dorset) (Con): I hugely welcome this well-balanced package, but may I invite the Secretary of State to be a bit more optimistic about the prospects for consensus? Did he notice, as I did, that despite the sound and fury the shadow Housing Minister remarkably did not actually disagree with anything in the White Paper?

Sajid Javid: My right hon. Friend points out that the shadow Minister has realised what he could actually have done when he was Housing Minister.

Tracy Brabin (Batley and Spennings) (Lab): The Secretary of State says that people yearn for honesty and truth. Travelling around my constituency, I am frequently shocked by the standard of the private housing stock. The English housing survey reveals that 29% of private rented homes are still non-decent. In the spirit of honesty and truth, why did the Government block Labour's proposal to require landlords to let properties that are fit for human habitation?

Sajid Javid: The legislation already contains requirements and standards for housing, including for rented accommodation. If we start frivolously introducing unnecessary new regulations, that will just increase the burdens on house builders and push up costs even further.

Robert Jenrick (Newark) (Con): Some of the large developments around Newark have gained a bad name with my constituents due to the common practice of large developers, such as Persimmon, selling freehold properties but then ensuring that residents pay rip-off prices for many years for management company rents, the cost of putting up a satellite dish, and so on. It is an

outrageous practice that is hurting the working people of this country, so will the Secretary of State consider banning it?

Sajid Javid: Yes.

Mr Iain Wright (Hartlepool) (Lab): Will the Secretary of State outline how the White Paper aligns with the industrial strategy? How will the Government collaborate with the construction industry on skills, the supply chain, innovation and regional imbalances to ensure that the house building challenge can be met?

Sajid Javid: There is an important link, and one example relates to skills. I mentioned earlier the importance of factory build and its promotion. That requires a different type of skill set, and the Government need to support that, but it will help more generally with the skills challenge. We will have a new immigration policy following our departure from the European Union, so we must think carefully about that and the link with the construction industry.

Sir Peter Bottomley (Worthing West) (Con): The majority of the new homes that my right hon. Friend has announced will be leasehold; many leaseholders are subject to abuse. May I ask that his consultation on the abuse and misuse of leasehold includes changing commonhold procedures so that they actually work, so that those with unfair conditions get stopped by the Competition and Markets Authority, and landlords gain nothing by trying to exploit leaseholders?

Sajid Javid: I can confirm that that is in the White Paper as part of the consultation on leasehold, which is partly due to my hon. Friend's work in this area.

Melanie Onn (Great Grimsby) (Lab): Modular housing will not be the panacea to this country's housing crisis. Traditional house building will provide the majority of housing in the immediate future in which people want to live. There is no mention in the White Paper of the critical shortage of skilled people in the building industry, so how will the Secretary of State build and meet his targets without the people to do it?

Sajid Javid: No one is saying that modular homes and factory build will be the panacea, but they do have an important contribution to make. Traditional building remains important and that will remain the case for many years to come. Part of trying to get more skills into the sector involves the apprenticeship levy, which comes into place in April. I was proud to introduce it as Business Secretary and have already heard about construction companies' plans to take on more apprentices.

Kit Malthouse (North West Hampshire) (Con): I welcome the standardisation of the calculation of housing supply for local authorities. Will the Secretary of State confirm that that means that no permission should be granted outside the envelope of approved local and neighbourhood plans?

Sajid Javid: That is what it means.

Mr Ivan Lewis (Bury South) (Lab): My constituents are worried about proposals to build on the green belt, but we need more affordable homes. What will the

White Paper do to force developers that are sat on brownfield sites and refusing to develop them to get on with building?

Sajid Javid: The White Paper contains several measures to deal with that. There is no easy answer, but there can sometimes be good reasons, such as if a developer has another project to go on once it finishes the current one. Some developers do take too long to turn planning permission into homes, however, so the measures in the White Paper include changes to completion notices and the ability to attach conditions to planning permission. We are also consulting on a new measure for large developments to allow local authorities to take into account a developer's track record.

Crispin Blunt (Reigate) (Con): Will my right hon. Friend confirm that it is still Government policy that London's green belt is a priceless asset for both the nation and London? Will he further confirm that if a local authority ducks difficult decisions and fails to produce a local plan, it cannot short-cut its way out of that through a £2.5 billion development where the green belt is at its narrowest around London, earning a nice little £1 billion for the developer and the landowner?

Sajid Javid: It would be inappropriate for me to discuss a particular planning application, but I can confirm that protections for green belt are as strong as ever. In fact, the White Paper sets out for the first time much more clearly the steps that we expect a local authority to take before it even considers the green belt, including having to show that it has looked at all reasonable alternatives.

Peter Dowd (Bootle) (Lab): How does the Secretary of State intend to help local authorities purchase land under compulsory purchase orders when he has devastated their budgets by up to 60%? He should be holding himself to account for his failures, not local authorities.

Sajid Javid: We are specifically consulting on the possibility of local authorities holding auctions using a compulsory purchase order, so they would not necessarily be buying land themselves.

David Mackintosh (Northampton South) (Con): In high-growth areas, such as my constituency, the key issue is ensuring that we have the infrastructure for schools, healthcare, transport and community facilities. Will my right hon. Friend please give us more details of how the infrastructure fund for housing will work in practice to provide and ensure that we have both housing and infrastructure?

Sajid Javid: The £2.3 billion fund, which was announced in the autumn statement, will be launched in April and will be run by DCLG. It will involve a bidding process, through which local councils and possibly other parties can bid directly for the necessary infrastructure. I am conscious that many colleagues are eager to get more details, so we will publish them as soon as possible.

Andy Burnham (Leigh) (Lab): My hon. Friend the Member for Manchester Central (Lucy Powell) is right that it is time to take much tougher action against absent private landlords who rake in housing benefit but do not reinvest a penny of that money into the

upkeep of their properties. Councils should be given much simpler powers to issue CPOs when properties are below a decent standard. We should send a clearer message to landlords: respect our communities or get out of Greater Manchester.

Sajid Javid: The right hon. Gentleman will know that what we want all landlords, whether offering rented accommodation or homes for sale, to meet certain standards, but the underlying problem is that one reason why landlords can sometimes extract a higher rent or set more difficult terms is the lack of supply of homes. That applies to Manchester as much as anywhere else.

Mary Robinson (Cheadle) (Con): I am pleased to hear the Secretary of State reiterate that the green belt is safe in our hands. In Stockport, however, the Greater Manchester spatial framework has proposed plans to build more than 4,000 houses on the green belt in my constituency. Will he reassure me, my constituents and the 3,600 people who signed my petition that the green belt is safe in our hands and that there are no plans to remove any restrictions on it?

Sajid Javid: We have made it clear in the White Paper that the green belt will retain all the protections that it enjoys today. For the first time, we have clearly set out what we expect a local authority to go through to demonstrate that it has looked at all other reasonable alternatives.

Helen Hayes (Dulwich and West Norwood) (Lab): Can the Secretary of State confirm whether he remains committed to the definition of an affordable home as one costing up to 80% of market rent or £450,000 to buy in London? Can he confirm what now counts as a starter home? Will local authorities still be subject to draconian compliance directives if they fail to deliver them?

Sajid Javid: We want to see more starter homes being rolled out. A process has already begun that will include homes sold at a 20% discount, but it will also include other types of affordable homes for ownership.

Oliver Dowden (Hertsmere) (Con): My constituency is entirely green belt, apart from developed areas, and it provides vital protection against London urban sprawl. Can the Secretary of State therefore confirm that, if my local council makes a determination that it cannot meet its needs assessment without sacrificing the green belt, the plan must be upheld by planning inspectors?

Sajid Javid: My hon. Friend understands that I cannot talk about a particular plan or application, but I can confirm that we have thought very carefully about measures that will help areas, such as his constituency and mine, that have huge amounts of green belt. As part of that, we are asking all local authorities to do more to co-operate with their neighbours. One of the requirements in the White Paper is a statement of common purpose, which we will consult on. Every single local authority will be required to talk to its neighbours and come up with a statement of common purpose.

Caroline Lucas (Brighton, Pavilion) (Green): In Brighton and Hove alone there are 26,000 people on the housing waiting list, so why will the Secretary of State not lift

[Caroline Lucas]

the borrowing cap so that councils can start building again? He keeps talking about supply, and here he has a very practical way of doing it. Building on the green belt has risen fivefold in the past five years. How is he going to protect the green belt?

Sajid Javid: The councils asked for more borrowing powers two years ago so that they could build homes. We did that in last year's Budget, and there is still lots of headroom—I think it is almost £300 million.

Jason McCartney (Colne Valley) (Con): I welcome the philosophy of the right houses in the right places, but what advice can the Secretary of State give to my constituents who keep seeing Labour-run Kirklees building the wrong four-bedroom detached houses in the wrong places on greenfield sites with scant regard for school places, infrastructure and collection of section 106 money?

Sajid Javid: We expect all councils to come up with the right plans for their area. One of the tests that we apply is to ask the independent Planning Inspectorate to look at those plans, which cannot be adopted until they have gone through that process. When my hon. Friend looks at the changes, he will welcome how we have become more robust about that.

Lilian Greenwood (Nottingham South) (Lab): Nottingham City Homes recently won national recognition for Palmer Court, its newly built scheme for older people in Lenton, but across our city vulnerable tenants in supported housing are deeply worried by the proposal to cap local housing allowance. If the Secretary of State is serious about providing safe and secure homes, why does he not take this opportunity to drop that proposal?

Sajid Javid: One of the things the hon. Lady will find in the White Paper is a requirement for all local authorities to account in their plans for everyone in their community, including older people and disabled people. She specifically asks about how we can help supported housing, and there is an ongoing consultation. We are carefully looking at all the issues.

Mims Davies (Eastleigh) (Con): There is a wild west, adversarial, Lib Dem, lazy planning attitude in my constituency, and I welcome page 63 of the White Paper, which says that disabled people's needs and older people's needs will be considered. I also welcome the protection of ancient woodland because, at the moment, the only answer in Eastleigh is "out of space" development dropped on ancient woodland.

Sajid Javid: I agree with my hon. Friend on both counts. First, the words "Lib Dem" and "lazy" do go well together. Secondly, she is right about ancient woodland. She has spoken to me about that on a number of occasions, and in the White Paper I did not see why ancient woodland should have less protection than the green belt, as is the case currently. That is why we are upgrading the protection of ancient woodland to the same level as green belt.

Mr Speaker: The hon. Member for Leeds North West (Greg Mulholland) is not lazy. He is hyperactive.

Greg Mulholland (Leeds North West) (LD): Thank you, Mr Speaker. For the Secretary of State to call anyone lazy when these few pages are the best he can do is pretty pathetic. It is also pathetic that he has done nothing in his term to ensure that the right houses are being built in the right places. Will he speak to Bramhope & Carlton and Pool in Wharfedale parish councils about why they are facing yet more development of greenfield and green-belt land for the kind of housing that is not necessary? Will he speak to local Conservative councillors who oppose his planning policies?

Sajid Javid: Not a day goes by when I do not speak to councillors across the country. What many of them will welcome today is the requirement for everyone to play by the same rules. They all understand the need for homes in their area, and I suggest the hon. Gentleman does the same.

Bob Blackman (Harrow East) (Con): I welcome the White Paper's measures to combat homelessness, but part of the solution is direct commissioning of housing. The progress on direct commissioning is not very good so far. What action can my right hon. Friend take to make sure that that is speeded up so that homes are provided for the people who desperately need them?

Sajid Javid: I commend my hon. Friend's work on homelessness, particularly through his Homelessness Reduction Bill, which is making its way through Parliament. He is right about the importance of commissioning, which has a role to play and is something that I am looking at carefully.

Meg Hillier (Hackney South and Shoreditch) (Lab/Co-op): The National Audit Office estimates that the total Government spend on housing in the last financial year was £28 billion, but a staggering £20.9 billion of that total was spent on housing benefit. Is that not a demonstration that rents are too high and that even people in work cannot afford them? Did the Secretary of State give any consideration to reforming housing benefit when putting together the White Paper?

Sajid Javid: The hon. Lady will know that housing benefit has already been reformed, but she is right to make the link between housing benefit and high rents. Again, that is a symptom of the fact that for far too long we have not been building enough homes.

John Glen (Salisbury) (Con): I warmly welcome today's White Paper, which has a balanced, pragmatic range of solutions. Will the Secretary of State give consideration to situations where local authorities find themselves held to ransom by developers who refuse to make concessions in the section 106 agreement process and frustrate local communities by subsequently not delivering the infrastructure that they said they would deliver?

Sajid Javid: That is often a problem, and my hon. Friend makes a good point. In the White Paper he will see that we refer to some changes that will come about, following the consultation that has already happened, both to section 106 and the community infrastructure levy payments. I think that will help.

Jonathan Reynolds (Stalybridge and Hyde) (Lab/Co-op): We desperately need new houses, but development is not always popular with the public. The key issue is infrastructure. The best proposal I have ever seen is building new garden villages and putting in schools, roads and infrastructure at the same time. The Government have had a pilot, but is it something that they will take forward?

Sajid Javid: Yes, it is.

Iain Stewart (Milton Keynes South) (Con): What flexibility does the White Paper propose for places such as Milton Keynes? Milton Keynes wants to expand properly as part of the Oxford to Cambridge corridor, but housing developments are now being proposed to meet short-term housing targets that risk undermining the planning for long-term growth?

Sajid Javid: My hon. Friend makes a good point. When plans are put together, they should look at the long-term land supply—not just over the following five years but beyond that to the required need. Also, there should be more co-operation with neighbouring local authorities on putting together the plans, which is where the proposed new statement of common purpose will help.

Kerry McCarthy (Bristol East) (Lab): I am glad the Minister eventually came around to realising the need to tackle land banking and developers sitting on properties, so the moves on completion notices and compulsory purchase are very welcome. But when will he start to listen to council leaders, who, despite his answer to the hon. Member for Brighton, Pavilion (Caroline Lucas), are still saying they need the borrowing cap lifted? They need the freedom to borrow more so that they can build more houses.

Sajid Javid: We have increased local councils' borrowing ability, but where the most ambitious councils that have good, sensible plans want to come forward to do a deal with central Government, we are listening. That invitation is in the White Paper.

William Wragg (Hazel Grove) (Con): Can a self-imposed housing target become the exceptional circumstance to build on the green belt?

Sajid Javid: My hon. Friend helps me to highlight, again, the way in which we have tackled the green belt in this White Paper by keeping all its existing protections and demonstrating, for the first time, exactly all the hoops a local authority has to go through to show us categorically that it has looked at all other reasonable options.

Steve McCabe (Birmingham, Selly Oak) (Lab): Further to the point raised by my hon. Friend the Member for Nottingham South (Lilian Greenwood), surely the Minister has to accept that his plans are going to lead to a reduction in the supply of supported housing in the midlands but an increase in London? That is a problem he could fix; that is a market he is breaking.

Sajid Javid: A consultation on supported housing is going on at the moment and the results will be out in due course.

Mr Peter Bone (Wellingborough) (Con): Does the Secretary of State agree that housing demand would fall if we could reduce the third of a million people coming into this country each year?

Sajid Javid: I have looked at this issue carefully and I am not sure it makes the kind of difference my hon. Friend believes it does. Two thirds of housing demand has nothing to do with immigration; it is to do with natural population growth, particularly through people living longer, and that will have to be catered for regardless. Even if immigration was to fall to zero, we would still have a deficit of some 2 million homes and people would still be in overcrowded homes, so we would still have to keep building.

Rachael Maskell (York Central) (Lab/Co-op): Not a single new social home has been commissioned in York under this Tory Government and the Tory-led council, and we have no local plan because the proposals were so unworkable. How will this White Paper help to deal with York's housing crisis?

Sajid Javid: It will help York in many of the ways in which it will help across the country, for example, through the requirement for every local authority to undertake an honest assessment of need and plan on that basis.

James Berry (Kingston and Surbiton) (Con): My constituents are shocked at Lib Dem and residents association-controlled Elmbridge Borough Council's proposals to allow mass development on the green belt by Surbiton. I therefore welcome my right hon. Friend's protection of the green belt, but will he confirm that building on the green belt is and will remain possible only in defined exceptional circumstances?

Sajid Javid: Yes, I can absolutely confirm that.

Kate Green (Stretford and Urmston) (Lab): I note with alarm that the White Paper says the Secretary of State plans to review the size standards, as we know from University of Cambridge research in 2014 that house sizes in this country are among the smallest in Europe. We do not want to move to building lots of rabbit coops that are not good for young families, so will he offer the House assurances that he will proceed with great caution in this area?

Sajid Javid: Yes, I can offer that assurance. This is why we are having this consultation; it is in response to some of the innovation taking place in the industry. It is right to look at this, but it is also important that we do not have a race to the bottom.

Mr Speaker: The ever-vigilant Speaker's Secretary has just pointed out that from the Government Benches I called Mr Wragg followed by Mr Bone. It was not in any way calculated.

Dr Tania Mathias (Twickenham) (Con): I very much welcome the White Paper. What support is the Secretary of State giving to key workers who are trying to access homes in areas with very high property prices?

Sajid Javid: There are two parts to my answer on that. First, I point to our commitment to help with the creation of more affordable homes, both for rent and to buy. A lot of that will be through the support provided through housing associations, including the £1.4 billion of extra funding in the last autumn statement. In the longer term, we have the issue of pushing up supply, because that is the only way in which we shall tackle the affordability issue once and for all.

Derek Twigg (Halton) (Lab): My constituency is the most heavily urbanised in Cheshire. Most of the available brownfield sites have been built on, there is little green belt land and there is pressure on school places and on the local roads. Will the Secretary of State or his Minister therefore meet me to discuss the specific problems that areas such as mine, particularly small urban areas, have in meeting housing demands?

Sajid Javid: I am sure the Minister for Housing and Planning would be happy to meet. The hon. Gentleman should know that we would not be able to discuss the specific planning issue, but more general discussions would be welcome.

James Cartledge (South Suffolk) (Con): The White Paper talks about sharpening the tools available to local authorities to deal with the massive gulf between the number of planning permissions given and the actual construction of homes. Are there any circumstances in which, if the local authority can provide evidence of land banking, my right hon. Friend would give it the power to levy council tax on unconstructed units if they were not delivered?

Sajid Javid: We have looked at this issue carefully, and we have to try to get the right balance. We need to respect the fact that there are legitimate reasons why the supply of any product would need to have a pipeline of inputs, including land, in the case of a house builder, but there is evidence of some firms taking advantage of that, as my hon. Friend mentions. There are many tools in this White Paper, and if after looking at them more carefully he thinks more needs to be done, I will be listening to him.

Mr David Nuttall (Bury North) (Con): If we are going to stop building on the green belt, as is proposed in Bury as part of the Greater Manchester spatial framework, does my right hon. Friend agree that the only way to increase the number of new homes will be to insist on higher density development on brownfield sites?

Sajid Javid: One way to increase the number of homes in brownfield areas is through density. This White Paper contains a lot on density and I know that when my hon. Friend takes a close look he will welcome it.

Martin Vickers (Cleethorpes) (Con): I welcome the Secretary of State's determination to tackle the housing shortage, but he will be aware that housing need varies dramatically between provincial towns and rural areas, and London and the south-east. Can he assure my constituents that the policies and planning guidance

will not be focused entirely on London and that there will be some allowance for local authorities to vary this in the more rural areas?

Sajid Javid: I can absolutely reassure my hon. Friend on that point. The White Paper contains a specific requirement on all local authorities to plan for the needs in their area, so if the demographics differ from area to area, as of course they will, that is exactly what will need to be catered for.

James Morris (Halesowen and Rowley Regis) (Con): As a constituency neighbour of mine, the Secretary of State will know that people in Halesowen value the amenity of the green belt around it. Does he therefore agree that the approach to house building in the Black country should very much be brownfield first, focusing on the remediation of existing sites for house building?

Sajid Javid: Yes, I very much agree with what my hon. Friend says.

Mr Stewart Jackson (Peterborough) (Con): Land availability is, in a sense, a side issue, because one impediment to expeditious planning consents is the capacity of the planning department and the fact that there is no fiscal incentive for planners to grant permission, which is why these things take so long. Linked to that is the capacity issue and whether planners have the skills, knowledge and experience to deal with large-scale planning applications. On that point, is it not time we reviewed the capacity of local authorities to increase planning fees?

Sajid Javid: My hon. Friend has talked to me about this before and has helped, along with others, including many local leaders, to make a strong case about it. We have listened and local councils will be able to increase their planning fees by at least 20%.

Dr Andrew Murrison (South West Wiltshire) (Con): Local communities are often keen to support housing on exception sites if they feel the housing is for local need. Does the Secretary of State share their frustration that too often under the Housing Act 1985 those homes can then be swapped to somebody who does not have that local connection? Does he also share their frustration at the apparent easy waiving of section 106 agreements, whereby housing for local need is determined after a very peremptory examination of the market by registered social landlords and others, who may turn down people with a local connection who are living in private rented accommodation, whether or not they can afford to live in that accommodation?

Sajid Javid: It is important that the local connection rules are appropriate and are working as we have set out. My hon. Friend also makes a link to section 106 agreements; as I referred to earlier, we have not yet made the final decisions, but that matter is subject to a separate consultation and we are looking at how we can improve it.

Nigel Mills (Amber Valley) (Con): What action does the Secretary of State propose to take against councils that fail to put in place a local plan?

Sajid Javid: The good news is that the vast majority of councils do have in place a valid local plan, but, of course, some still have not met their requirement. The biggest incentive on councils to do so is that while they do not have a local plan, the presumption in favour of development applies, and that is not fair on the local people they represent. People want to see a plan so that they can control where development takes place.

John Howell (Henley) (Con): I am pleased with what the Secretary of State said about neighbourhood plans. Will he confirm that he accepts they are an important part of the planning mix and are delivering more houses than expected?

Sajid Javid: Yes, I can confirm that. My hon. Friend speaks with some experience in this area, and the evidence is that the 200-odd neighbourhood plans that have been adopted so far are on average leading to 10% more development than was necessary.

Huw Merriman (Bexhill and Battle) (Con): On page 25 of the excellent White Paper there is an expectation that local authorities will have to consider small windfall sites off-plan. I suggest that often it is medium sites that will deliver not only more housing but the community benefits that would encourage the community to welcome such sites. Could we increase their number?

Sajid Javid: I can highlight to my hon. Friend a requirement, which I think is on the same page in the plan, that would help on just that point. There is a new requirement that, from now on, when local authorities set out their plan they have to allow a minimum of 10% of the site for small and medium-sized builders. These have to be small sites and small plot sizes that will particularly appeal to small and medium-sized builders.

Andrew Stephenson (Pendle) (Con): I was delighted to hear in January that Pendle Borough Council will be one of the first councils in the country to benefit from the Government's £1.2 billion unlocking the land fund to bring forward brownfield land for starter homes. How will the White Paper further brownfield development in constituencies such as mine?

Sajid Javid: My hon. Friend will find in the White Paper a requirement on all local authorities that, before they can look at anything other than brownfield, they must show that they have fully exhausted the brownfield opportunities in their area. They must look at all the viable areas, but also at things such as density, to get the most out of brownfield.

Robert Courts (Witney) (Con): Does the Secretary of State agree that when planning permission is given for homes in places such as west Oxfordshire, it is important that developers build them, and quickly?

Sajid Javid: I absolutely agree with my hon. Friend. He will find in the White Paper several measures to help to tackle just that problem—for example, the changes we have made to completion notices.

Julian Sturdy (York Outer) (Con): Starter homes offer a realistic solution to difficult-to-deliver brownfield sites and low levels of home ownership among young

people. Bearing in mind the possible change of focus for starter homes, is my right hon. Friend still committed to delivering on the requirement under the Housing and Planning Act 2016 to deliver 200,000 of them by 2020?

Sajid Javid: We are committed to delivering at least 200,000 homes for affordable ownership, and that 200,000 will include the starter homes with 20% discounts.

Chris Green (Bolton West) (Con): Urban sprawl creates excessive pressure on local road infrastructure in my constituency, which means Daisy Hill and Atherton stations have to have increased capacity at their car parks. Will the Secretary of State do all he can to ensure that we build up, not out, especially within walking and cycling distance of established public transport routes?

Sajid Javid: There are specific measures in the White Paper to help to do just that, especially around urban transport hubs and other transport hubs, in order to get a greater density and make much better use of the land.

Richard Drax (South Dorset) (Con): I welcome my right hon. Friend's White Paper. Will he assure me that it will ensure that developers have to pay attention to the character of the area around which they are developing? So many developments are so ugly, but people have to live in them and others are less likely to object if the development is beautiful.

Sajid Javid: My hon. Friend is right to make that point. The change we have made to allow local authorities to increase their planning fees will help with that. Collectively, that 20% increase is worth £75 million. Many local authorities have told me that they would like to hire more resources in their planning departments to help with design, and this change will help to achieve just that.

Stuart Andrew (Pudsey) (Con): Thousands of homes have been built on brownfield in my constituency, but thanks to Labour's excessive 70,000 housing target, we are now seeing swathes of green belt coming under threat. Does the standardised methodology for housing need offer hope to my constituents that we can have a realistic housing target review to meet housing demand?

Sajid Javid: I assure my hon. Friend that at the heart of the new methodology is a requirement to be more realistic and honest about the actual housing need in the area. Perhaps he will also be reassured by the words in the White Paper about making sure that, before anyone even looks at green belt, they have exhausted all other reasonable options.

Tom Purslove (Corby) (Con): One market that never seems to be met is that for bungalows, which are perhaps the only truly lifetime property and which also free up properties for families. What role does the Secretary of State see bungalows playing in future supply?

Sajid Javid: My hon. Friend makes an important point. This comes back to the new requirement for local authorities to plan for every demographic in their area. I am sure that, like me, my hon. Friend has met constituents whose children have left and who live in a large home and would love to downsize, but there is not enough

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choice in their local area. There is now a specific requirement in the White Paper to make sure that local authorities are planning for everyone, including older people.

Mr Speaker: I am most grateful to the Secretary of State and colleagues, whose pithiness enabled every would-be contributor to take part in the exchange on the statement.

Points of Order

1.57 pm

Sir Edward Leigh (Gainsborough) (Con): On a point of order, Mr Speaker. As we are a democratic assembly, the only way we can work is to respect the authority of the Speaker; otherwise, there would be complete chaos. Personally, I think that the Queen has issued an invitation to Mr Trump under the advice of her Ministers. He is the leader of the free world, and if we have entertained the President of China, we can entertain him. That is my view but, at the end of the day, we have to respect and support the office of Speaker.

Paul Flynn (Newport West) (Lab): Further to that point of order, Mr Speaker.

Mr Speaker: I am not sure that there is anything to add, but I shall take it and then come back to the hon. Member for Gainsborough (Sir Edward Leigh).

Paul Flynn: You may recall, Mr Speaker, that in business questions last week I raised the inability of ordinary Members of this House to express an opinion, through a vote, on what was an unprecedentedly quick invitation to a Head of State. We owe you a debt of gratitude for deciding that, in this case, such an invitation should not be supported by Members of this House. We know why this happened—it was done rapidly to avoid political embarrassment for the Prime Minister—but any invitation to this House should not be extended to such a person as Donald Trump.

Mr Speaker: First, in respect of the point of order raised by the hon. Member for Newport West (Paul Flynn), I thank him for what he said and add merely that I responded to a substantive point of order on this matter yesterday. I think it only fair to say that there is no need for me to provide a running commentary today.

In respect of the point of order raised by the hon. Member for Gainsborough, I also thank him for what he said. He does not mince his words. He says what he thinks, and always has done, and he is respected for that across the House. Sometimes he agrees with me and sometimes he does not, but his respect for and loyalty to the institutions of the country, including those within Parliament, is universally acknowledged. I thank him for that, and I think that others will, too.

Mr Peter Bone (Wellingborough) (Con): On a point of order, Mr Speaker. First, I agree entirely with what my hon. Friend the Member for Gainsborough (Sir Edward Leigh) says. Of course we respect the Speaker. I have not always agreed with the Speaker either.

Secondly, a worrying breach of etiquette has broken out over the past few months with Members clapping in this Chamber. Is there anything in your power, Mr Speaker, to do something about that?

Mr Speaker: Members should not do so, and the answer is that perhaps I should be even more robust—I usually am pretty robust. The point was made yesterday about clapping; it should not happen. All I say is that one has to deal with every situation as it arises, and sometimes it is better just to let a thing pass than to make a song and dance about it. I respect the hon.

Gentleman's commitment to tradition. Of course if people want to change those traditions, they should argue the case for such change. I am no stranger to that phenomenon myself.

Alex Salmond (Gordon) (SNP): On a point of order, Mr Speaker. Just on that previous point, if ever a statement deserved clapping, yours did yesterday, in my opinion.

I want to raise the question of irrevocability. We are about to go into Committee of the whole House, and just about every amendment that we will discuss hangs on the question of whether article 50 is irrevocable. The Supreme Court was silent on that matter. The Brexit Secretary told a Committee:

"It may be revocable—I don't know."

There is not much guidance from the Government on the matter. Given the importance of the amendments that we are about to discuss, and given that they hang on the question of whether article 50 is irrevocable once invoked, can we get some guidance from the Chair or the Government—or anybody—before we move into a debate without that basic piece of information, which would be important for hon. Members?

Mr Speaker: The right hon. Gentleman raises an important point, but I am not convinced—I will explain why—that it is a point of order for the Chair. Moreover, I might be wrong about this, but I have a sense that, on this occasion, he is perhaps more interested in what he has to say to me than in anything that I might have to say to him. He has got his point on the record. The reason why I am not convinced that it is a matter for me—I am looking round for inspiration to people with legal expertise—is that, frankly, it is not for the Speaker to seek to interpret treaties. That does not fall within my auspices. My best advice to the right hon. Gentleman is that he should follow his own instincts and counsel. He has been doing so for some decades. Knowing what a persistent fellow he is, if he is dissatisfied with my answer, I rather imagine that he will be pestering the Government Front-Bench team about that matter in the upcoming debates.

Sir Gerald Howarth (Aldershot) (Con): On a point of order, Mr Speaker. Further to what my hon. Friend the Member for Gainsborough (Sir Edward Leigh) said—of course I entirely support him, and I have enjoyed a very good relationship with the Chair—yesterday did cause a number of us some concern. It was noticeable that there was great enthusiasm on the Opposition Benches and a rather subdued aspect on the Government Benches. We want to support you in the Chair, Mr Speaker. The relationship between the United Kingdom and the United States is an extremely important one, and the Prime Minister, in the view of many of us, managed to secure a very favourable outcome of what was undoubtedly a tricky visit. Although I was keen yesterday not to accuse you, Mr Speaker, of making an executive order in respect of another matter, I do hope that you will help us to ensure that we can have full confidence in your impartiality, because that is the way that this House has to proceed.

Mr Speaker: The hon. Gentleman is quite right in what he says about the required impartiality of the Chair. I do not want to rerun the debate. The only thing I will say to him—I say it in a very understated way—is this: I referred in the course of my response to the hon. Member for Cardiff South and Penarth (Stephen Doughty) to the locus and the responsibility of the Speaker in respect of the matter that he was raising with me. Therefore, although I completely understand that there can be different views on this matter—we have heard some of them—which should always and all be treated with respect, I was commentating on a matter that does fall within the remit of the Chair. The House has always understood that the Chair has a role in these matters. If the hon. Gentleman disagrees with the means of my exercising it, that is one point. If he does not always approve of my manner—I cannot think that he imagines me too robust for his liking as he is no stranger to blunt speaking himself—so be it. I was honestly and honourably seeking to discharge my responsibilities to the House. In the interests of the House, we should move on to other matters, but I thank him for what he says.

Crime (Assaults on Emergency Services Staff)

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

2.5 pm

Holly Lynch (Halifax) (Lab): I beg to move,

That leave be given to bring in a Bill to make certain offences including malicious wounding, grievous or actual bodily harm and common assault aggravated when perpetrated against a constable, firefighter, doctor, paramedic or nurse in the execution of his or her duty or against a person assisting these persons in the execution of their duty; to make provision to require those suspected of certain assaults that may pose a health risk, including spitting, to be required to undergo blood tests and to make it an offence, without reasonable excuse, to refuse to undergo such tests; to make provision about the sentences for those convicted of the offences; and for connected purposes.

I come to the Chamber once again to raise the profile of the risks facing those working on the frontline in our emergency services. I seek approval for a Bill that would offer our police officers, firefighters, doctors, nurses and paramedics greater protection from harm than that allowed under existing legislation.

Having been out with all the emergency services in my constituency, may I start by paying tribute to the work that they do? Behind the uniforms are incredibly brave and dedicated individuals who, regrettably, face risks that they simply should not have to face on an almost daily basis. They routinely go above and beyond their duties to keep the public safe, yet when someone sets out deliberately to injure or assault an emergency responder, the laws in place must convey how unacceptable that is in the strongest possible terms. This Bill sets out to do just that.

I want to take this opportunity to thank the many Members who, on a cross-party basis, have lent their support to my “Protect the Protectors” campaign. I launched the campaign after spending a Friday evening in August out on patrol with West Yorkshire police in my constituency. I joined PC Craig Gallant, who was single crewed and responding to 999 calls. When a routine stop very quickly turned nasty, I was so concerned for his safety that I rang 999 myself to stress just how urgently he needed back-up. Thankfully, other officers arrived at the scene shortly afterwards to help to manage the situation. Although, amazingly, no injuries were sustained on that occasion, I saw the dangers for myself and understood just how vulnerable officers are when they are out on their own.

Following that incident, and having secured an Adjournment debate on this very issue, police officers from all over the country started to contact me with their harrowing stories of being attacked while on duty. What has shocked me, and what thoroughly depresses police officers, is that sentences handed down to offenders for assaulting the police often fail to reflect the seriousness of the crime or, more crucially, to serve as a deterrent.

To assault a police officer is to show a complete disregard for law and order, our shared values and democracy itself, and that must be reflected in sentencing, particularly for those who are repeat offenders. Many officers described feeling like they had suffered an injustice twice—first at the hands of the offender; and then again in court when sentences were unduly lenient. Within two weeks of the incident involving PC Gallant, PC Dan McLaughlin from Halifax was assaulted when,

during an arrest, an angry male grabbed his radio and used it to strike him repeatedly on the head. I am pleased that PC McLaughlin is able to join us today in support of this legislative change, which would help to keep him and his colleagues safe.

During my Adjournment debate in October, I outlined the flaws in the Home Office’s then system for collecting data on just how many assaults there were on police officers. I welcome the fact that the Minister listened and that changes were made, which we all hope will give us a much more accurate picture.

Official Home Office statistics suggest that there were just over 23,000 assaults on police officers last year. That is 450 a week, and it equates to an officer being assaulted every 22 minutes. However, just this week the Police Federation published the results of its welfare survey, which was undertaken by 17,000 serving police officers. The survey revealed that there are actually closer to 6,000 assaults every day—an assault every 13 seconds—with the average police officer being assaulted 19 times a year.

In our Opposition day debate on police officer safety at the end of last year, my hon. Friend the Member for Newport East (Jessica Morden) told the Chamber about the mum she had met who told her children that their dad was the clumsiest man in the world to explain away his bruises when he came home from work as a police officer. Although the figures sound incredibly high, they sound worryingly in line with the experiences of that family.

My Bill would protect not just police officers, but all blue-light emergency responders. A report published just before Christmas by Yorkshire ambulance service revealed that staff faced “violence and aggression” on a weekly basis. There was a 50% increase in reported incidents of verbal and physical attacks on staff, with 606 incidents reported in 2015-16. Richard Bentley, a paramedic in Leeds, told the BBC that he had faced three serious assaults in five years. He had been bitten, head-butted and threatened with a knife.

Members of West Yorkshire fire and rescue service have also reported being subject to assaults. On bonfire night, the service received 1,043 calls, with crews attending 265 incidents. It was disgraceful that, faced with such pressures on the busiest night of the year, firefighters in West Yorkshire were also subject to 19 attacks overnight. The Bill would ensure that anyone who assaults an emergency service responder, doctor or nurse, and is charged with malicious wounding, grievous bodily harm, actual bodily harm or common assault, would be eligible for a tougher sentence because an assault on an emergency service worker is an assault on society. It is totally unacceptable that public servants who are working in their communities, protecting people and helping the vulnerable are subject to assaults as they go about their jobs. These changes would go some way towards reflecting that.

The second aspect of the Bill aims to deal with the hideous act of spitting at emergency service workers. As well as being horrible, spitting blood and saliva at another human being can pose a very real risk of transmitting a range of infectious diseases, some with life-changing or even lethal consequences. At an event organised by my hon. Friend the Member for Wolverhampton South West (Rob Marris), I met PC Mike Bruce and PC Alan O’Shea of West Midlands police. Both officers had blood spat in their faces while

trying to arrest a violent offender. They both had to undergo antiviral treatments to reduce their risk of contracting communicable diseases, and they faced a six-month wait to find out whether the treatment had been successful. During that time, PC O'Shea was advised that he could not see his brother, who was undergoing cancer treatment, because the risk of passing on an infection was too high. He was also advised not to see his parents because they were in such regular contact with his brother.

PC Bruce had a false positive result for hepatitis B, and for six months until conclusive test results came through, he was understandably reluctant to be close to his wife or children, fearing for their wellbeing. I am pleased that PC Bruce and PC O'Shea are here today to lend their support to these changes which, had they been in place at the time, might have saved them such an agonising wait.

In previous speeches I have made on the issue, I shared with Members the story of Arina Koltsova, a police officer in Ukraine who died after contracting tuberculosis from an offender who spat at her while she was trying to arrest him. At the moment, if an emergency service worker is spat at, they can take a blood sample from an individual only if that person gives their permission. Needless to say that in the case of PC O'Shea and PC Bruce, the offender was not in a helpful mood, so they were subjected to antiviral treatments and a six-month wait.

Laws in Australia provide that refusal to give a blood sample can result in a \$12,000 fine and a custodial sentence. My Bill would mean that refusing to provide a blood sample will, in itself, be a crime punishable by fine or custodial sentence. If an emergency service worker, doctor or nurse has already had to endure being spat at, this measure would hopefully save them having to endure a six-month ordeal of waiting to see if the consequences are much more serious.

It has been made very clear to me that the experience I had out on the streets of my constituency last summer was not an isolated incident. It reflected the daily challenge that our police officers face. Paramedics, firefighters, doctors and nurses are sadly also in need of these protections, yet it is worth remembering that when they find themselves under attack, it is the police who are called. I hope that this change in sentencing will go a small way towards giving these dedicated public servants the protections they should not require, but sadly do.

I am not naive to the nature of ten-minute rule Bills, and nor am I under any illusions about where we are in the parliamentary calendar, but I hope that the Policing Minister and the Home Office team have heard the details of my Bill and will reflect on its merits. I commend the Bill to the House.

Question put and agreed to.

Ordered,

That Holly Lynch, Conor McGinn, Rob Marris, Liz Saville Roberts, Anna Turley, Michael Dugher, Scott Mann, Hannah Bardell, Tom Blenkinsop, Tracy Brabin, Jim Shannon and Philip Davies present the Bill.

Holly Lynch accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 24 March, and to be printed (Bill 136).

European Union (Notification of Withdrawal) Bill

[2ND ALLOCATED DAY]

Further considered in Committee (Progress reported, 6 February)

[NATASCHA ENGEL *in the Chair*]

2.16 pm

Paul Farrelly (Newcastle-under-Lyme) (Lab): On a point of order, Ms Engel, I would be grateful if you explained not only to the Committee, but to the country that, of all the amendments grouped for debate, the Committee will only vote on new clause 1 today.

The Second Deputy Chairman of Ways and Means (Natascha Engel): I think the hon. Gentleman knows the answer to his question. This is very early for points of order, as we have not even started. As he knows, the grouping of amendments was the subject of the programme motion that was voted on last week. As he says, there will be a Division on the lead amendment. As for subsequent amendments, it depends on what happens in the rest of the debate.

New Clause 1

PARLIAMENTARY APPROVAL FOR AGREEMENTS WITH THE UNION

“(1) Where a Minister of the Crown proposes to conclude an agreement with the European Union setting out the arrangements for the withdrawal of the United Kingdom from the European Union—

- (a) the Secretary of State must lay before Parliament a statement of the proposed terms of the agreement, and
- (b) no Minister of the Crown may conclude any such agreement unless the proposed terms have been approved by resolution of both Houses.

(2) The requirements of subsection (1) also apply where a Minister of the Crown proposes to conclude an agreement with the European Union for the future relationship of the United Kingdom with the European Union.

(3) In the case of a proposed agreement setting out the arrangements for the withdrawal of the United Kingdom from the European Union, the statement under subsection (1)(a) must be laid before the proposed terms are agreed with the Commission with a view to their approval by the European Parliament or the Council.”—(*Keir Starmer.*)

This new clause requires Ministers to seek the approval of Parliament of any proposed Withdrawal Agreement before final terms are agreed with the Commission and prior to endorsement by the European Parliament and Council.

Brought up, and read the First time.

Keir Starmer (Holborn and St Pancras) (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 18—*New Treaties with the European Union*—

“So far as any of the provisions of any new treaty with the European Union may depend for ratification solely upon the exercise of prerogative, they shall not be ratified except with the express approval of Parliament.”

This new clause would ensure that any future treaties made with the European Union must be ratified with the express approval of Parliament.

[The Second Deputy Chairman]

New clause 19—Future relationship with the European Union—

“(1) Following the exercise of the power in section 1, any new treaty or relationship with the European Union must be subject to the express approval of Parliament.

(2) It shall be the policy of Her Majesty’s Government that, in the event of Parliament declining to approve such a new treaty or relationship, further time to continue negotiations with the European Union shall be sought.”

This new clause seeks to ensure that, if Parliament declines to give approval to any new deal or treaty following the negotiations in respect of the triggering of Article 50(2), that Her Majesty’s Government shall endeavour to seek further time to continue negotiations for an alternative relationship with the European Union.

New clause 28—Parliamentary sovereignty—

“Before exercising the power under section 1, the Prime Minister must undertake that a vote on the proposed agreement setting out—

- (a) the arrangements for withdrawal, and
- (b) the future relationship with the European Union

will take place in the House of Commons before any vote in the European Parliament.”

This new clause puts a requirement on the Prime Minister to ensure a vote on final terms takes place in the House of Commons before the European Parliament votes on the deal.

New clause 54—Negotiating timeframe—

“Before exercising the power under section 1, the Prime Minister must undertake that if Parliament does not approve the terms for withdrawal and the future relationship within 24 months of notifying the United Kingdom’s intention to withdraw from the EU, she will request that the European Council extends the time period for negotiations.”

This new clause makes provision for a situation in which negotiations have not been concluded or in which Parliament has not approved the deal either because of time constraints or because it has declined to give approval. In any of these situations the Prime Minister would seek extra time to continue negotiations with the EU.

New clause 99—Parliamentary approval of the final terms of withdrawal from the EU—

“The United Kingdom shall withdraw from the EU once either—

- (a) Royal Assent is granted to an Act of Parliament that approves—
 - (i) the arrangements for withdrawal, and
 - (ii) the future relationship between the United Kingdom and the EU

as agreed to between the United Kingdom and EU, or

- (b) Royal Assent is granted to an Act of Parliament that approves the United Kingdom’s withdrawal without an agreement being reached between the United Kingdom and the EU.”

This new clause aims to embed parliamentary sovereignty throughout the process and requires primary legislation to give effect to any agreement on withdrawal or for withdrawal without such an agreement.

New clause 110—Future relationship with the European Union—

“(1) Following the exercise of the power in section 1, any new Treaty or relationship with the European Union must not be concluded unless the proposed terms have been subject to approval by resolution of each House of Parliament.

(2) In the case of any new Treaty or relationship with the European Union, the proposed terms must be approved by resolution of each House of Parliament before they are agreed with the European Commission, with a view to their approval by the European Parliament or the European Council.”

This new clause seeks to ensure that Parliament must give approval to any new deal or Treaty following the negotiations in respect of the triggering of Article 50(2), and that any new Treaty or relationship must be approved by Parliament in advance of final agreement with the European Commission, European Parliament or European Council.

New clause 137—Future relationship with the European Union—

“(1) Following the exercise of the power in Section 1, any new treaty or relationship with the European Union must be subject to the express approval of Parliament.

(2) In the event of Parliament declining to approve the new treaty or relationship set out in subsection (1), Her Majesty’s Government shall seek to negotiate an alternative new agreement with the European Union.”

The Prime Minister has guaranteed that Parliament will have a vote on the final deal between the UK and the EU. This new clause is intended to make that vote meaningful by ensuring that if Parliament votes against the terms of such a deal, the Government shall try to negotiate an alternative future trading agreement and shall not default without agreement to the World Trade Organisation rules.

New clause 175—Request for Suspension of Authorisation—

“If Parliament has not approved terms on which the UK will leave the European Union within the two years specified in Clause 3 of Article 50 of the Lisbon Treaty, or any extension of the negotiation period agreed in accordance with that clause, then the Government must request the European Council to consider the notification authorised by this Act as suspended.”

This new clause would require that Her Majesty’s Government request the European Council to suspend the notification of the United Kingdom’s intention to leave the European Union if Parliament does not approve the terms of departure.

New clause 180—UK—EU membership: reset (No.2)—

“The Prime Minister may not exercise the power under section 1(1) until she has sought an undertaking from the European Council that failure by the Parliament of the United Kingdom to approve the terms of exit for the UK will result in the maintenance of UK membership on existing terms.”

New clause 182—Parliamentary approval for agreements with the Union—

“(1) Where a Minister of the Crown proposes to conclude an agreement with the European Union setting out the arrangements for the withdrawal of the United Kingdom from the European Union—

- (a) the Secretary of State must lay before Parliament a statement of the proposed terms of the agreement, and
- (b) no Minister of the Crown may conclude any such agreement unless the proposed terms have been approved by resolution of both Houses.

(2) The requirements of subsection (1) also apply where a Minister of the Crown proposes to conclude an agreement with the European Union for the future relationship of the United Kingdom with the European Union.

(3) In the case of a proposed agreement setting out the arrangements for the withdrawal of the United Kingdom from the European Union, the statement under subsection (1)(a) must be laid before the proposed terms are agreed with the Commission with a view to their approval by the European Parliament or the Council.

(4) In laying a statement before Parliament under subsection (1)(a), Her Majesty’s Government shall have regard to the requirements of Parliament for adequate time to consider the statement before the proposed terms are put to each House for approval under subsection (1)(b).”

This new clause is an alternative version of NCI which provides for additional time being allowed for consideration by Parliament of the proposed terms of the agreement before the vote.

Amendment 50, in clause 1, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) until a Minister of the Crown has published an assessment on whether such a notification can later be revoked, and laid a copy of the assessment before Parliament.”

Amendment 20, page 1, line 5, at end insert—

“(3) If the power is exercised under subsection (1), the Prime Minister’s commitment to hold a vote in both Houses of Parliament on the outcome of the negotiations with the European Union shall include the option to retain membership of the EU.”

Recognising that the Government wishes to begin negotiations on a deal to leave the EU, and recognising the Supreme Court ruling on the sovereignty of Parliament, this amendment provides a safety net, ensuring that there is a real vote on the outcome deal that provides the option of the UK staying in a reformed EU should the final terms of the deal be detrimental to the UK’s national interest.

Amendment 43, page 1, line 5, at end insert—

“(3) Before exercising the power under section 1, the Prime Minister must prepare and publish a report on the process for ratifying the United Kingdom’s new relationship with the European Union through a public referendum.”

Keir Starmer: In speaking to new clause 1, I will touch on other new clauses in the bucket. As we go through the debate on these amendments, which is probably the most important debate that we have had thus far and are going to have, it is important that we remind ourselves of the context. The negotiations that will take place under article 50 will be the most difficult, complex and important for decades—arguably, since the second world war. Among other things, it is important that we ensure the best outcome for our economy and jobs, and the trading agreements. As I have said on a number of occasions, what that entails is very clear; we must have tariff-free and barrier-free access to the single market, regulatory alignment, and full access for services and goods. In the White Paper published last Thursday, the Government accept the strength of those arguments about the trading agreements.

It is important that we have the right ongoing future relationship with our EU partners. Labour has been forceful in arguing for maintaining close collaboration with our partners in the fields of medicine, science, research, education, culture, security, policing and counter-terrorism. Although the Prime Minister and the Secretary of State maintain the idea that all this can be agreed within two years, leaving just an implementation stage, the reality is that we will have two deals: the article 50 agreement and a new UK-EU treaty setting out the new arrangements, along with transitional arrangements.

To be clear, we all have a vested interest, on behalf of all our constituents, in getting the right outcome, and that raises the proper role of Parliament in this process. That is why I have consistently argued for three elements of scrutiny and accountability, and this is a debate that, in a sense, has been going on for the last three months. The first element, which I started the argument for last October, was that, at the start, we should have a plan or White Paper—a formal document setting out the negotiating objectives. We should then have a system for reporting back during the negotiations, and we should have a vote at the end of the exercise. Those are the three elements of scrutiny and accountability that I have argued for.

Pete Wishart (Perth and North Perthshire) (SNP): Is it the case that if all the hon. and learned Gentleman’s proposals are rejected by the Government, the Labour party will simply endorse Third Reading and support the Government? What is the point, therefore, of making all this case for these proposals if he is just supinely going to cave in to what the Government want on article 50?

Keir Starmer: I am not sure how helpful interventions like that are to a debate, which is actually really important, about scrutiny and accountability. Just to be clear, nagging away, pushing votes and making the argument over three months, we have got a White Paper, and it is important. Nagging away and making the arguments, we have got commitments about reporting back. Nagging away and making the arguments, we have got a commitment to the vote at the end of the exercise. So when the charge is levelled at the Opposition that they have not made the case, and are not succeeding on the case, for scrutiny and accountability, that simply does not match what has happened over the last three months.

Ms Angela Eagle (Wallasey) (Lab): My hon. and learned Friend is right to point out that progress has been made, but does he agree that to make a vote at the end of the process meaningful, we have to have meaningful scrutiny as the process goes on, and as a Parliament we have to have the chance to say to the Government, “You must go back and try to do better”? Having an all-or-nothing vote at the end, when all the discussions and negotiations are over, is not, in my definition, meaningful scrutiny. Does he agree?

Keir Starmer: I am grateful for that intervention, and I will come to that, but the central theme of the case I will seek to make this afternoon is that a vote in this House must be before the deal is concluded; that is the dividing line that makes the real difference here.

The Minister of State, Department for Exiting the European Union (Mr David Jones): I am grateful to the Secretary of State, and I think that this may be helpful—*[Interruption.]* Forgive me, the shadow Secretary of State. I hope that this will be helpful to him. He has mentioned the fact that the Government have made a commitment to a vote at the end of the procedure. Later, when I address the House, I will be outlining what I intend that vote shall be, but it may be of assistance to him now to know what is proposed. First of all, we intend that the vote will cover not only the withdrawal arrangements but also the future relationship with the European Union. Furthermore, I can confirm that the Government will bring forward a motion on the final agreement, to be approved by both Houses of Parliament before it is concluded. We expect and intend that this will happen before the European Parliament debates and votes on the final agreement. I hope that is of assistance.

Keir Starmer: Minister, I am very grateful for that intervention. That is a huge and very important concession about the process that we are to embark on. The argument I have made about a vote over the last three months is that the vote must cover both the article 50 deal and any future relationship—I know that, for my colleagues,

[*Keir Starmer*]

that is very important—and that that vote must take place before the deal is concluded, and I take that from what has just been said.

Anna Soubry (Broxtowe) (Con): Would the hon. and learned Gentleman—I nearly said “Friend”; I will have to be careful—agree that it is really important that, as a nation and a House, we now come together, putting aside all the party political differences, to do the right thing by our country? But most importantly perhaps, on the very point he makes, does he share my concern that, in the event of no deal being reached, this House must also decide what happens next?

Keir Starmer: I am grateful for that intervention, and I do agree that we all have a responsibility to bring this country back together—we are deeply divided. [*Interruption.*] The United Kingdom.

Several hon. Members *rose*—

Keir Starmer: I am dealing with this intervention, if you don't mind.

What is significant about what has just been said is that it covers the article 50 agreement and it covers any future relationship. That is the first time we have heard this. It is a very significant position by the Government, and I am grateful that it has been made. It is very important that it has been made, because, on both sides of the House, there has been real anxiety that it should cover both bases.

Whether it goes far enough for the fall-back position, I will reflect on. Ideally, of course, one would want that covered, but I do not want to underplay the significance of what has just been said about the two deals, because this is the first time that clarity has been given; it is the first time the point has been conceded. It is an argument I have been making for three months, and it is very important that it has now been conceded: it is important for my colleagues, and I am sure it is important for people across the House.

Equally important is the timing—that the vote should be before the deal is concluded. The great fear was that there would be a concluded deal, which would make any vote in this House meaningless.

What I hope can now happen on the back of that concession is what I anticipate will happen in the European Parliament: by regularly reporting, updating the House and setting out the direction of travel, there can be agreement about progress, and what happens at the end will not come as a surprise to any of us in this House. But what has been said by the Minister is a very significant statement of the position, which meets in large part everything I have been driving at in new clause 1.

Mr Ben Bradshaw (Exeter) (Lab): I welcome, as my hon. and learned Friend does, the concession from the Government Benches, but does he agree that, as well as the timing, it is the scope of that vote that will be absolutely vital? As the right hon. Member for Broxtowe (Anna Soubry) says, if we are faced with a choice

between a hard Brexit and World Trade Organisation rules, that is no choice—the Government will have to go back and renegotiate.

Keir Starmer: At the moment, I agree that we should have as big a say as possible on all of this, but I do not want to understate what has been conceded in the last 10 minutes. I do take the point, but where we have made significant progress on scrutiny and accountability, we should recognise where we have got to.

Mr Kenneth Clarke (Rushcliffe) (Con): While I echo what the hon. and learned Gentleman has said, would he agree that instantly leaping on a concession may be a little unwise until we are quite clear what it amounts to? I recall that a concession on a plan led to a speech in Lancaster House, which did not take us very much further. I would like to be persuaded that a major concession has been made. Does he agree that it would be helpful, as we will not know quite what we are debating if we continue now, if the Minister tried to catch the Chairman's eye after the hon. and learned Gentleman has sat down, so that he can explain in more detail what he is proposing? The substance of the debate on this group of proposals will then be altogether better informed.

Keir Starmer: I am grateful for the intervention, and I accept that point. Far be it from me to say what the procedure should be, but that would be helpful because some of what has been said has been heard for the first time today, and we need to reflect on it.

2.30 pm

Alex Salmond (Gordon) (SNP): If this is indeed a significant concession, should it not be added to the Bill so that it can be properly examined and analysed and so that by Report every Member has been able to look at it?

Keir Starmer: I recognise the strength of that point. There are of course other opportunities to examine what has been conceded, and to ensure that it might find its way into the Bill. I think it would be sensible to recognise the significance of what has been said, hear a little more detail if we can, and reflect on that during the course of the afternoon. Of course, the Bill does not complete its passage today, or in this House.

Robert Neill (Bromley and Chislehurst) (Con): The hon. and learned Gentleman is making a fair point. I think he and I would accept, as advocates, that if somebody says something to us in good faith, we take it on board, bank it, and sometimes do not push too hard—we take a valuable concession and recognise it for what it is.

Keir Starmer: I am grateful for that intervention. When an assurance is given in a debate such as this, it is a significant assurance. That said, of course having something in statute at some later point would be even better.

Lyn Brown (West Ham) (Lab): I came into the Chamber with the full intention of supporting new clause 1, and I still feel that we need to press it to a vote. I hear what my

hon. and learned Friend is saying—that he wants to trust and believe the Government. However, if we saw a manuscript amendment before the end of the afternoon, I would find it much easier not to have a vote on new clause 1. Does he agree that a manuscript amendment would be helpful?

Keir Starmer: That is in the hands of the Minister, but I certainly take the point.

Let me make some progress, because we have not got very far. *[Interruption.]* Well, I have not got very far. Looking again at the big picture, there is a commitment in paragraph 7.1 of the White Paper—this is important for trade unions, for working people and for constituents who have repeatedly raised these points—to convert all EU-derived rights, including workers’ rights, into domestic law. I do not think that commitment has been heard loudly enough. We certainly intend to hold the Government to that at every step of the way, along with other EU rights such as environmental and consumer rights.

I have consistently argued that the Prime Minister cannot, in the article 50 negotiations, negotiate to change domestic law or policy—that will require primary legislation. Paragraph 1.8 of the White Paper makes it clear that the Government do not accept that the Prime Minister would have that authority, and expressly refers to separate Bills on immigration and on customs. I highlight that because there is huge concern among my colleagues about the threat made by the Prime Minister to alter our social and economic model and turn the UK into a tax haven. That cannot happen without primary legislation. It is important that we note that.

Paul Farrelly: I rather agree with the right hon. Member for Broxtowe (Anna Soubry) and my right hon. Friend the Member for Exeter (Mr Bradshaw). Given the Government’s position, which has just been outlined, does my hon. and learned Friend agree that the only substantive reason now for the Government not to agree to our new clause 1 is to deny the other House a vote on a resolution, and that the Minister should explain why that is the position?

Keir Starmer: I hear what my hon. Friend says. I think we will have to wait to hear from the Minister.

So far as the vote is concerned, there has been a change of position, and it is important that I set that out. Initially, the Secretary of State for Brexit said back in October that he would observe the requirements of treaty ratification. Then in December, at the Dispatch Box, he almost said that we would get a vote—he said that it was “inconceivable” that we would not. Then, just before Christmas at the Liaison Committee, the Prime Minister appeared to back away from that altogether under questioning from the Chairman of the Brexit Committee, and the fact of a vote was only conceded after Christmas. Then in paragraph 1.12 of the White Paper, there was a commitment to a vote on the final deal. Today has taken us a lot further forward. That demonstrates how, by chipping away and arguing away, we are making progress on accountability and scrutiny.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): My hon. and learned Friend may have heard what the Minister said in more detail than I did. Was it clear whether we would get a vote in this House if there

was no deal? If the Government failed to get a deal with the EU—none of us wants that to happen, but if it did—was it clear to him from what the Minister said whether we would still get a vote in Parliament?

Keir Starmer: No, and we need to press the Minister on that when he rises to speak.

Joanna Cherry (Edinburgh South West) (SNP): The hon. and learned Gentleman has ably outlined the Government’s position to date. He has ably shown all of us that the Government have made quite a major change in their position today. That change in position appears to have taken place when we are debating many differently nuanced amendments about the circumstances surrounding a final vote, so does he agree that it is important for the Government to commit to exactly what their concession is in writing, and to do so in the appropriate way, which would be by way of a manuscript amendment?

The Second Deputy Chairman of Ways and Means (Natascha Engel): Order. Could I ask that interventions be a bit more brief, because we have only four hours for this debate and a lot of people to get through?

Keir Starmer: I am grateful for the intervention by the hon. and learned Lady. It would be helpful if we had both clarification and, if possible, a written form of the concession that has been made so that we can all see what it is.

Vernon Coaker (Gedling) (Lab): On a point of order, Ms Engel. Given that, as the hon. and learned Member for Edinburgh South West (Joanna Cherry) said, we require some sort of information as to what the Government are putting forward, is there any way in which you can require the Government to put before us a manuscript amendment so that we actually know what we are debating for the rest of the afternoon?

The Second Deputy Chairman: The Minister will be speaking later, and I am sure that he will explain then.

Keir Starmer: I am sure that the Minister hears what is being said. What has been said, today is significant—there has been a concession, and it now needs to be put in writing. A great deal of this debate should now be spent probing the concession that has been made.

Geraint Davies (Swansea West) (Lab/Co-op) *rose—*

Seema Malhotra (Feltham and Heston) (Lab/Co-op) *rose—*

Keir Starmer: I am going to make some progress, because I barely got through two or three sentences before taking interventions. I do not think anybody could accuse me of not giving way.

In the end, there is stark choice for the House. If we are to have a vote, it will be either before the deal is concluded, or afterwards, in which case it will be a fait accompli. This concession appears to suggest that it will be before it is concluded. I recognise that there are other issues that flow off the back of that timing, but that is critical, because the sequence of events at the end of the

[*Keir Starmer*]

exercise is extremely important to what the House can meaningfully say or do about the agreement that is put to us for a vote.

Liz Kendall (Leicester West) (Lab): Does my hon. and learned Friend agree that we must consider not just the timing of the vote but what happens if the House declines to accept the deal that the Government have put forward? The Prime Minister said on 25 January:

“If this Parliament is not willing to accept a deal that has been decided on...with the European Union, then, as I have said, we will have to fall back on other arrangements.”—[*Official Report*, 25 January 2017; Vol. 620, c. 295.]

That does not guarantee that this House will have the final decision on our future relationship with the EU.

Keir Starmer: I am grateful for that intervention. I think the exchange that my hon. Friend has referred to is the cause of the concern about the vote being held before the deal is concluded. We will need greater clarification about the extent of the vote.

Mr Jacob Rees-Mogg (North East Somerset) (Con): Will the hon. and learned Gentleman give way?

Keir Starmer: I am going to press on, because I am not sure that my trying to explain what the Minister is going to tell us is working particularly well.

Mr David Jones: If it is of any assistance to the shadow Secretary of State and to the Committee, may I say that with your leave, Ms Engel, I hope to be able to speak immediately after him?

Keir Starmer: I have made the case for accountability and scrutiny, I have made the case for a White Paper, I have made the case for reporting back and I have made the case for a vote. We have got this concession, and I think the most helpful thing, in the circumstances, would be for hon. Members to be given the opportunity to test what the Minister has said.

Mr Jones: I had hoped to speak at the end of the debate, but it may be of assistance to the Committee if I deal with some of the matters that the shadow Secretary of State touched on. However, I do not want to go into the details of the various amendments that other hon. Members will no doubt wish to speak to. With your consent, Ms Engel, I will address them briefly at the end of the debate.

May I first repeat what I said to the shadow Secretary of State when I intervened on him a few moments ago? The Government have repeatedly committed from the Dispatch Box to a vote in both Houses on the final deal before it comes into force. That, I repeat and confirm, will cover not only the withdrawal agreement but the future arrangement that we propose with the European Union. I confirm again that the Government will bring forward a motion on the final agreement—

Mr Nick Clegg (Sheffield, Hallam) (LD): Will the Minister give way?

Mr Jones: I will just finish the sentence, because it is rather important. The Government will bring forward a motion on the final agreement to be approved by both

Houses of Parliament before it is concluded, and we expect and intend that that will happen before the European Parliament debates and votes on the final agreement.

Mr Clegg: Will the Minister stress to the Committee again that that applies to both the withdrawal agreement and a final agreement on the future relationship between the UK and the EU? It is my view, which is shared by many others, that the former is feasible within two years but the latter is highly unlikely. What will happen if a withdrawal agreement is reached but not a new agreement between the UK and the EU?

Mr Jones: I must preface what I am about to say by saying that we do not expect that we will not achieve such an agreement, but my right hon. Friend the Prime Minister has already made it clear that if we cannot come to an agreement, we will have to fall back on other arrangements. The Government have consistently been clear about that.

Caroline Lucas (Brighton, Pavilion) (Green): This point goes back to the conversation we had yesterday about the importance of transitional arrangements. The Minister cannot guarantee that the new trade agreement will be concluded within two years. If we do not have a transitional agreement, it will be like jumping out of an aeroplane without a parachute. Why will he not agree to negotiate that transitional arrangement now in case we need it?

Mr Jones: What the hon. Lady says is, of course, true. An agreement has to be negotiated by two sides, and it is always possible that we will not be able to achieve such an agreement, but I believe that we will. We have also made it clear that we see it as important that during the negotiations for the new arrangements, whatever they are, we consider what implementation period may be necessary following the agreements.

Mr Kenneth Clarke: I am grateful to the Minister for speaking at this stage and enabling us to have the process that he is talking about, and I congratulate him on that. He says that Parliament will have a vote before the agreement is concluded. Does that mean before agreement has been reached with the other 27 countries, or after agreement has been reached but before it has been put into effect?

I believe that parliamentary sovereignty requires that Parliament should have the ability to influence the Government's position before they conclude the deal, so that those with whom the Government are dealing—the other parties to the negotiations—know that the British Government have to produce an agreement that will get the support of Parliament. If the Government wait until hands have been shaken with all the other Europeans before coming here, Parliament will be told, “If you reject the agreement, you will have nothing and it will be a WTO disaster.” That would give the Government a majority, but not a very satisfactory conclusion.

2.45 pm

Mr Jones: I fully appreciate the points that my right hon. and learned Friend is making. This is clearly going to be a complex, lengthy and difficult—

Several hon. Members *rose*—

Mr Jones: May I first deal with the point that my right hon. and learned Friend has made? After I have done so, I will come back to the hon. Member for Swansea West (Geraint Davies).

This will be a difficult and complex agreement, and the negotiation will, from time to time, be subject to reports to the House, to the Exiting the European Union Committee and so on. What we are proposing, and what I am committing to from the Dispatch Box, is that before the final agreement is concluded—the final draft agreement, if you like—it will be put to a vote of this House and a vote of the other place. That, we intend, will be before it is put to the European Parliament. That is as clear as I can make it.

Geraint Davies: After we trigger article 50, the EU27 will decide a deal in their interests. If that deal comes to this House and we vote it down, and subsequently the Commission and the European Parliament agree it and say, “Like it or lump it,” what will we do then?

Mr Jones: I would have thought that, in the circumstance that this House had voted down the agreement, it would be highly unlikely that it would ever be put to the European Parliament. Of course, there are all sorts of scenarios to be considered.

Keir Starmer: Just for clarification, I think the Minister said that there would be a vote on, as it were, the final draft agreement. I just wanted to check that I had heard him correctly.

Mr Jones: Yes—before the agreement is finally concluded, in other words. That is the intention.

Mr Mark Harper (Forest of Dean) (Con): I want to come back to the point made by the right hon. Member for Sheffield, Hallam (Mr Clegg) about the timing of the two deals that are being negotiated in parallel: the exit deal and the framework for our future relationship. I think we can be a little more optimistic than he is. In article 50, it is envisaged that the negotiation for the exit agreement can only be done taking into account the framework for the future relationship. Article 50 envisages those two agreements being negotiated in parallel, so I think that what the Minister has set out has every prospect of coming to fruition.

The Second Deputy Chairman of Ways and Means (Natascha Engel): I implore Members to keep interventions shorter. They are very, very long—they are little speeches—and we have got very little time. I implore Members to keep them a bit briefer.

Mr Jones: My right hon. Friend is right. Article 50 states that the negotiations for the withdrawal agreement should be set against the framework of the continuing relationship. On the face of it, a twin-track approach is envisaged in article 50.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): The Minister raised our hopes for a second, and then I felt myself deflate as he said that if things did not work out, we would

“fall back on other arrangements.”—[*Official Report*, 25 January 2017; Vol. 620, c. 295.]

Can he be absolutely clear about what he meant by falling back on other arrangements?

Mr Jones: It would depend on precisely what was agreed, but if there were no agreement at all, which I think is an extremely unlikely scenario, ultimately we would be falling back on World Trade Organisation arrangements. That is nothing new. It has been made very clear previously, including by my right hon. Friend the Prime Minister.

Alistair Burt (North East Bedfordshire) (Con): Can the Minister clarify a point that was raised by the shadow Secretary of State and that is important to us all? An agreement at the end of the process might be an agreement that there is no agreement at all, and that we will go to the default position. I believe that what the Minister has announced will give the House a vote if there is a deal, or indeed if there is no deal. Can he confirm that the House would get a vote in those circumstances, which is what I understand the assurance to be?

Mr Jones: It is very hard to see what meaningful vote could be given if there had been no deal at all. Having said that, I have no doubt at all that in the absence of any agreement whatever, that absence of agreement would be the subject of statements to this House.

Alex Salmond: The Minister is inflating and deflating people as he goes along. May we get back to the manuscript amendment? If the concession is as significant as the Minister is leading us to believe, it is really important that it comes forward as an amendment. If the Government are not prepared to make that happen, surely the message to the other place is that what the Minister has said should be encapsulated in an amendment that can be properly re-debated here.

Mr Jones: We are debating the issue at considerable length now. I have, on behalf of the Government, made what I believe is a serious commitment and it should be accepted as such. Frankly, in those circumstances, I see no need for a further amendment.

Mr Dominic Grieve (Beaconsfield) (Con): Is not the problem that the Government and the House have the fact that we do not know at what stage the negotiations will be concluded? They could be concluded, with months to go, within the two-year timeframe. In those circumstances, I would expect the House to be able to consider the agreement—even, perhaps, before it was provisionally agreed with the Commission, because there would be no time pressure.

Equally, however, we could end up in a situation where the agreement is made at one minute to midnight at the end of the two-year period. If the Government do not then conclude an agreement to bring it to the House after that, but before it goes to the European Parliament, we could end up with no deal at all. The Minister may agree that the Government have a real dilemma. It is important that the House should understand those limitations, because they go fundamentally to the question of whether an amendment can be reasonably crafted to meet that situation.

Mr Jones: My right hon. and learned Friend makes a very fair point. As we proceed, we have to keep reminding ourselves that we are where we are because the United Kingdom has voted to leave the European Union. What we are seeking to achieve is a departure from the European Union on the best possible terms. I strongly believe that what the Government are proposing is as much as possible in terms of a meaningful vote at the end of the process.

Several hon. Members rose—

Mr Jones: I give way to the right hon. Member for Wolverhampton South East (Mr McFadden).

Mr Pat McFadden (Wolverhampton South East) (Lab): Timing is significant only if it further empowers Parliament to have a meaningful say on the negotiations. Can I ask the Minister again: what will happen if the House declines to approve the draft agreement that he intends to bring before us?

Mr Jones: I think that I have already answered that extremely clearly. There will be a meaningful vote. The vote will be either to accept the deal that the Government will have achieved—I repeat that the process of negotiation will not be without frequent reports to the House—or for there to be no deal. Frankly, that is the choice that the House will have to make. That will be the most meaningful vote that one could imagine.

Several hon. Members rose—

Mr Jones: I will take one further intervention, from the hon. Member for Streatham (Mr Umunna).

Mr Chuka Umunna (Streatham) (Lab): The point is that if this is to be a meaningful concession, the House needs the opportunity to send the Government back to our EU partners to negotiate a deal if one has not been reached. Going to World Trade Organisation rules will be deeply damaging for our economy and wholly unacceptable.

Mr Jones: I hear what the hon. Gentleman says, but frankly I cannot think of a greater signal of weakness than for the House to send the Government back to the European Union saying that we want to negotiate further. That would be seized on as a sign of weakness and therefore I cannot agree with it at all.

Several hon. Members rose—

Mr Jones: I would like to make further progress. I have taken a large number of interventions and I am sure that other hon. Members wish to speak.

Let me say this. It will be a meaningful vote. As I have said, it will be the choice between leaving the European Union with a negotiated deal or not. To send the Government back to the negotiating table would be the surest way of undermining our negotiating position and delivering a worse deal. In any case, we cannot unilaterally extend—

Several hon. Members rose—

Mr Jones: I give way for the final time to the right hon. Member for Leeds Central (Hilary Benn).

Hilary Benn (Leeds Central) (Lab): When the Minister first revealed his concession to the shadow Secretary of State, there was a bit, which he has not read out in the speech that he has just been giving, that referred to timing, intention and the position of the European Parliament. Will he please repeat what he said the first time round? I think it important that the House should be able to hear that.

Mr Jones: I will, if that will be of assistance to the right hon. Gentleman, although I did, in fact, read out the same words twice. I will read them again so that he fully understands the commitment that the Government have made. The Government have committed to a vote on the final deal in both Houses before it comes into force. This will cover both the withdrawal agreement and our future relationship with the European Union. I can confirm that the Government will bring forward a motion on the final agreement, to be approved by both Houses of Parliament before it is concluded. We expect and intend that that will happen before the European Parliament debates and votes on the final agreement.

Several hon. Members rose—

Mr Jones: I will not take any further interventions; I have already been more than generous.

I turn to the amendments. The shadow Secretary of State has referred to his new clauses 1, 18, 19, 28, 54, 110, 137, 175 and 182, which all seek, in one way or another, to ensure that Parliament will have a vote on the final deal that we agree with the European Union. Let me assure Members again, as I have said in answer to interventions, that the House will be involved throughout the entire process of withdrawal. Again, I remind the House of the extent of the Secretary of State's engagement.

Edward Miliband (Doncaster North) (Lab): I have a very brief question for the Minister. If the European Parliament votes down the deal, Europe will carry on negotiating. He is saying that if the British Parliament votes down the deal, that will be the end of the negotiations. We pride ourselves on our sovereignty in this House; the Minister's position seems to be a denial of that sovereignty.

Mr Jones: With huge respect, I am not entirely sure that the right hon. Gentleman understands the process. At the end of the day, the role of the European Parliament will be to grant or withhold consent to the deal agreed by the European Council, and there can be no assurance that there would be further negotiations. May I say that we are some considerable way away from that position. As I have said, as the negotiations proceed, there will be very many more opportunities—many, many more—for this House and the other place to consider the negotiations.

Mr Harper: May I tempt my right hon. Friend to give way one more time?

Mr Jones: I am afraid not; I have already been very generous.

I was reminding the House of what the Secretary of State has already done in terms of engagement. He has made six oral statements and there have been more than 10 debates—four in Government time. More than 30 Select

Committee inquiries are going on at the moment. Furthermore, there will be many more votes on primary legislation between now and departure from the European Union.

I suggest that the amendments that I have referred to are unnecessary. I reiterate that both Houses will get a vote on the final deal before it comes into force and I can confirm, once again, that it will cover both the withdrawal agreement and our future relationship. However, we are confident that we will bring back a deal that Parliament will want to support. The choice will be meaningful: whether to accept that deal or to move ahead without a deal.

Alex Salmond: I rise to speak to new clause 180 and amendment 50, in my name and those of my hon. Friends. I also want to speak very favourably about new clause 110, which is in the name of the hon. Member for Nottingham East (Chris Leslie). It is the strongest of the other amendments, although I should say that any amendments from this group that are put to the vote will have our support as they are all trying to increase parliamentary supervision of the process.

Before the Minister led us through the dance of the seven veils, I was going to question him on the irrevocability or revocability of article 50. I still think that that goes to the heart of what we are debating. However, I say directly to the Minister, with regard to what he described as a “serious announcement”, that if one makes a serious announcement in the course of the Committee stage of a Bill of this importance, it should be followed by an amendment. If we were here debating the Dangerous Dogs Bill, which I remember debating some time ago, and a serious announcement was made, that serious announcement would be followed by an amendment to the Bill. If that is good enough for a Bill of that description, how much more important is it to have such an amendment when we are debating the biggest constitutional change facing this country for half a century.

3 pm

Mr Harper: Will the right hon. Gentleman give way?

Alex Salmond: Not just now.

We thank the Minister for his announcement and the apparent concession. We do not doubt for a second the seriousness with which he makes his serious announcement, but I think that most of us—including the Minister himself—would think that such an announcement should be followed by an amendment to the Bill so that it could go through the proper processes, with hon. Members being able and willing properly to debate an announcement of such seriousness.

I give way to the former Chief Whip, who seems through these proceedings so anxious to regain his previous elevated position.

Mr Harper: I assure the right hon. Gentleman that I am very content being able to speak in the House on these important matters. The reason it might not be sensible to have a detailed amendment is that, as is clear from the range of interventions from colleagues, a large number of scenarios may arise, which will have to be dealt with politically. I do not want detailed legislation that means that this matter goes back to the courts. I want it to be debated in this House, not by a judge.

Alex Salmond: At least the right hon. Gentleman is consistent: when he was Chief Whip he did not want detailed amendments either, in case democracy prevailed in these matters. Most people, on hearing a serious announcement from the Front Bench, would expect it to be followed by an amendment, so that it could be properly debated and tested.

Ms Angela Eagle: I agree with the right hon. Gentleman about a manuscript amendment—it would make things a lot clearer for all of us. Does he agree that the announcement that we may have a Hobson’s choice at the end of the process means that there will not really be a proper choice?

Alex Salmond: I very much agree with the hon. Lady, and she conveniently leads me right on to my next point.

John Redwood (Wokingham) (Con): Will the right hon. Gentleman give way?

Alex Salmond: In a minute or two.

The hon. Lady’s point goes to the heart of the dilemma the House will find itself in, unless we take action to the contrary. It strikes at the question of whether article 50, once invoked, is irrevocable or not. In my point of order earlier, I tried to give a flavour of the Government’s confusion, but it was a brief point of order and I want to give the full flavour of the Government’s confusion.

The Brexit Secretary said in the Exiting the European Union Committee, when asked about this specific point, that

“one of the virtues of the article 50 process is that it sets you on way. It is very difficult to see it being revoked. We do not intend to revoke it. It may not be revocable—I don’t know.”

That is the basis on which we are being asked to take this fundamental decision that will affect the future of this country. We have to know these things, because they will determine the position the House finds itself in.

If article 50 is irrevocable—if after the two years, unless there is a unanimous agreement from the other 27 members of the European Union, the negotiations stop, the guillotine comes down and we are left with a bad deal or no deal—any vote in the House against that sword of Damocles hanging over the House will not be a proper, informed judgment.

Geraint Davies: Does the right hon. Gentleman agree that triggering article 50 on the basis of its possible revocability is like walking down the M4 in the middle of the night and hoping you will not get killed—you might not, but it is better not to walk down there in the first place?

Alex Salmond: The hon. Gentleman promised me that he would change the motorway when he next made that point, but the analogy is there.

Of course, the noble Lord Kerr of Kinlochard, who drafted article 50, believes it to be revocable. Presumably, he had that in mind when he drafted the article in the first place.

Sir William Cash (Stone) (Con) *rose*—

John Redwood *rose*—

Alex Salmond: I promised the right hon. Member for Wokingham (John Redwood), who entered the House on the same day as I did, if I remember correctly, that I would give way to him.

John Redwood: I am very grateful. Perhaps I can clarify the matter by saying that the Attorney General was very clear in his submission to the Supreme Court, as was the lawyer on the other side of the case, that article 50 is irrevocable, and the judgment was based on that proposition. Does the right hon. Gentleman therefore agree that it is irrevocable?

Mr Grieve *rose*—

Alex Salmond: I give way to the former Attorney General.

Mr Grieve: The concession of the Government in the Supreme Court was merely for the purpose of those proceedings. I say to my right hon. Friend the Member for Wokingham (John Redwood) that we can derive nothing from that as to whether article 50 is revocable or not. Indeed, there is powerful legal argument that it is capable of being revoked.

Alex Salmond: The two Members should talk among themselves before they come to the House with an agreed position. However, both those amazingly talented people are on the Back Benches, so it does not really matter if they have an informed and learned debate after proceeding to agreement. What matters is the confusion on the Front Bench. Whatever they think, the Brexit Secretary did not know whether it was revocable or not.

Sir William Cash: The right hon. Gentleman is pursuing this matter relentlessly. Will he explain why he is doing so? I suggest that it is because he knows that the answer to the question he is putting depends on whether the European Court of Justice gets its hands on this matter. That is what it is about, as I am sure he will accept.

Alex Salmond: To be told I am pursuing something relentlessly by the hon. Gentleman is a compliment that I shall treasure. This is not about the European Court of Justice; it is about this House having a genuine choice at some stage. It must be able to look at what the Government have negotiated and say yes or no, without the sword of Damocles of a bad deal or no deal, which was the threat from the Prime Minister, hanging over it.

Angela Smith (Penistone and Stocksbridge) (Lab): Is not one of the problems with the concession that has just been made that it tacks together in one votable motion the withdrawal agreement and the potential trade agreement? If Members do not like the trade agreement, they will face the unpalatable option of voting down the withdrawal agreement, thereby bringing us back to where we are now with the outcome of the referendum.

Alex Salmond: The hon. Lady makes a very astute point, but I think the issue is even more fundamental: we have to know what happens when we say no before we go ahead at the present moment.

Mr Rees-Mogg: Will the right hon. Gentleman give way?

Alex Salmond: Not just now.

We make an effort to solve the problem in new clause 180, which we call the reset amendment. It asks the Prime Minister to seek from the European Council an agreement that if this House and the other place refuse to agree the terms negotiated, we will reset to our existing membership of the European Union on the current terms and try again. We would then approve a deal only once we believed its terms were in the interests of this country. The Prime Minister should be prepared to present us not with a bad deal or no deal—not a bad deal or World Trade Organisation terms—but a deal that we know is in the interests of our constituents and the country. That is fundamental to this debate.

I know and understand the exigencies of political leadership, but the date of the end of March came about at the Tory conference because Brexiteers were beginning to get a bit flappy about whether the Prime Minister was a born-again Brexiteer or still a secret submarine remainer. I cannot understand why people think—even on the Brexiteer side, because presumably the Brexiteers want success for this country and its economy—that it is a good idea to invoke article 50 before we know what the destination will be. Similarly, I cannot believe that it is a good idea to leave the European economic area, which is governed by different agreements and instruments, until we know what the alternative is. Instead of giving these points away and putting all the negotiating power in the hands of those we are negotiating with—they are our partners now, but in any negotiation there is a tension between two parties—any negotiation depends on the cards in your hand. If the other side know that after two years the sword of Damocles comes down, it puts them in a much more powerful position in the negotiation.

Mr Jim Cunningham (Coventry South) (Lab): I agree with most of what the right hon. Gentleman is saying. It is very important to have an amendment, so that the House and the Government know exactly where we are going. Why do we not put those on the Government Front Bench on a TUC course to learn how to negotiate?

Alex Salmond: The hon. Gentleman makes an astute point. There is a lot to be learned about a negotiating position. The prime point is not to put yourself in a position of weakness with the European Union. On the whole, they are honourable people who want what is in the interests of the continent of Europe. Certainly, it is not a good idea for the Government to put themselves in a position of weakness with the new President of the United States, who will take every possible advantage from an opponent he senses—as he will sense—is negotiating from a position of weakness.

I argue strongly for the new clause and the amendments we have tabled, which aim to secure the position at the end of the negotiations before we embark on something that will leave this House not just with a bad deal or no deal, but with a metaphorical gun pointed at our head when we address these serious questions. We have to know the end position before we embark on that fundamentally dangerous course.

John Redwood: I agree fully with the right hon. Member for Gordon (Alex Salmond) that we should not wish to do anything that weakens or undermines the British bargaining position. All the efforts of this House, as we try to knit together remain and leave voters, should be designed to maximise our leverage, as a newly independent nation, in securing the best possible future relationship with our partners in the European Union. That is why I find myself in disagreement with many of the well-intentioned amendments before us today. I think they are all, perhaps inadvertently, trying to undermine or damage the UK's negotiation—[*Interruption.*] One of my hon. Friends says, “Nonsense,” but let me explain why it would be dangerous to adopt the amendments.

We are being invited to believe that if the House of Commons decided that it did not like the deal the Government negotiated for our future relationship with the EU and voted it down, the rest of the EU would immediately say sorry and offer us a better deal. I just do not think that that is practical politics. I do not understand how Members believe that that is going to happen. What could happen, however, is that those in the rest of the EU who want to keep the UK and our contributions in the EU might think that it would be a rather good idea to offer a very poor deal to try to tempt Parliament into voting the deal down, meaning that there would then be no deal at all. That might suit their particular agenda.

Robert Neill: Why is my right hon. Friend so worried about the House of Commons having a vote? His analysis might be right, but is it not right and proper that we have a choice, informed or otherwise? What is wrong with that? Why is he scared?

John Redwood: I support the Government offering this House a vote. They cannot deny the House a vote—if the House wants to vote, the House will vote—but it is very important that those who want to go further and press the Government even more should understand that this approach could be deeply damaging to the United Kingdom's negotiating position. It is based on a completely unreal view of how multinational negotiations go when a country is leaving the European Union. I find it very disappointing that passionate advocates of the European Union in this House, who have many fine contacts and networks across our continent, as well as access to the counsel and the wisdom of our European partners, give no explanation in these debates of the attitudes of the other member states, the weaknesses of their negotiating position and what their aims might be. If they did so, they could better inform the Government's position, meaning that we could do better for them and for us.

Mr Clegg: The right hon. Gentleman is, as ever, making an articulate case from his point of view about the dangers of a vote at the end of the process. Can he explain why, on 20 November 2012, in a very interesting blogpost entitled, “The double referendum on the EU”, he advocated a second referendum with the following question:

“Do you want to accept the new negotiated relationship with the EU or not?”

How on earth and why on earth has he changed his mind since then?

3.15 pm

John Redwood: I do not disagree with that at all. I am very happy for the House to have a vote on whether the new deal is worth accepting, but that would be in the context of leaving the EU. I agree with my right hon. Friend the Prime Minister that no deal is better than a bad deal. If the best the Government can do is a bad deal, I might well want to vote against that deal in favour of leaving without a deal. That is exactly the choice that Government Ministers are offering this House. It is a realistic choice and a democratic choice. It is no choice to pretend that the House can re-run the referendum in this cockpit and vote to stay in the EU. We will have sent the article 50 letter. The public have voted to leave. If this House then votes to stay in, what significance would that have and why should the other member states suddenly turn around and agree?

Geraint Davies: If the right hon. Gentleman wants to maximise negotiating leverage, would it not be better to delay article 50 until after the elections of the new German Government in October and the new French Government in May? We will have only two years, so that would give us the power of having more time to negotiate while we are member, instead of giving that up. If we were to offer a referendum to the people before we trigger article 50, European countries might think that we could stay in, so they might come to the table before article 50 was triggered.

John Redwood: I do not think we should have two referendums on whether or not we leave. The issue is our future relationship. The House is perfectly capable of dealing with whether we accept the future relationship that the Government negotiate.

The point that Opposition Members and their amendments miss is that once we send the article 50 letter, we have notified our intention to leave. If there is no agreement after two years, we are out of the European Union. The right hon. Member for Gordon (Alex Salmond) rightly asked whether the notification is irrevocable, but he did not give his own answer to that. I found it very disappointing that the SNP, which takes such a strong interest in these proceedings, has no party view on whether it is irrevocable. Personally, I accept the testimony of both the Attorney General and the noble Lord who was the advocate for the remain side in the Supreme Court case that it is irrevocable. The House has to make its decision in light of that.

As far as I am concerned, this is irrevocable for another democratic reason: the public were told they were making the decision about whether we stayed in or left the EU. Some 52% of the public, if not the others, expect this House to deliver their wishes. That was what the Minister told this House when we passed the European Referendum Act 2015. Every voter in the country was told by a leaflet sent at our expense by the Government: “You, the people, are making the decision”. Rightly, this House, when under the Supreme Court's guidance it was given the opportunity to have a specific vote on whether to send the letter to leave the European Union, voted to do so by a majority of 384, with just the SNP and a few others in disagreement. It fully understood that the British people had taken the decision and fully understood that it has to do their bidding.

Paul Farrelly: Is the right hon. Gentleman not assuming that, as we walk into the room, all the people we are negotiating with are our adversaries? Is that perhaps not the wrong standpoint to take? Is it not the case that a meaningful vote on the substance of any deal might equally focus the Government's mind on what they can sell to this House to unite it, as well as the people we represent, in a very divided country?

John Redwood: The hon. Gentleman has won that argument. We will have a vote in this House on whether we accept the deal and I hope that that works out well. My criticism is not of the Government's decision to make that offer. I think it was a very good offer to make in the circumstances. My criticism was and is of those Members who do not understand that constantly seeking to undermine and expose alleged weaknesses damages the United Kingdom's case. It is not at all helpful. As many of them have talent and expertise through their many links with the EU, it would be helpful if they did rather more talking about how we can meet the reasonable objectives of the EU and deal with the unreasonable objectives held by some in the Commission and a number of member states.

Alex Salmond: Despite the right hon. Gentleman's certainty about irrevocability, the person who drafted the clause, Lord Kerr, thinks that notification is revocable. The right hon. and learned Member for Beaconsfield (Mr Grieve), the former Attorney General, who is sitting to the right hon. Gentleman's right, is not absolutely sure but does not agree with him, and the Brexit Minister does not know. Does this not remind us of a certain question in European history, where of those who knew the answer one was mad, one was dead and the other had forgotten? Is this the basis on which he wants to take us over the cliff edge?

John Redwood: I have attempted to give the House a clear definition and to show that there is good legal precedent for my argument, based on senior lawyers and the Supreme Court. I note that the SNP does not have a clue and does not want to specify whether the notification is irrevocable.

Joanna Cherry: I remind the right hon. Gentleman that the Supreme Court did not rule on the matter.

John Redwood: It clearly did rule on the matter. It found against the Government because it deemed article 50 to be irrevocable. It would not have found against the Government if it had thought it revocable.

Mr Rees-Mogg: I am grateful to my right hon. Friend for giving way on this supreme red herring. It does not matter whether the ECJ thinks article 50 is irrevocable; the British people have determined that it is an irrevocable decision.

John Redwood: I thank my hon. Friend for that helpful intervention, although there is this legal wrangle. It is fascinating how those who wish to resist, delay or cancel our departure from the EU are now flipping their legal arguments from three or four weeks ago, when they were quite clear that this was irrevocable.

Anna Soubry: My right hon. Friend is a man of courage with a long, fine history of supporting the sovereignty of this place. He says that the Government will give us a vote in the event of a deal, but why does he not agree with those of us, on both sides of the House, who want the same vote, so that we ensure the sovereignty of this place, in the event that the Government cannot strike a deal, despite their finest efforts?

John Redwood: That is exactly the vote we had on Second Reading. If Members are at all worried about leaving the EU, they should clearly not have voted for the Bill on Second Reading. That is the point of the debate about irrevocability.

Tim Farron (Westmorland and Lonsdale) (LD): May I take the right hon. Gentleman back to his comments on his blogpost in November 2012, when he argued in favour of a referendum at the beginning and at the end of the process? He has just said that he does not think that there should be a referendum on whether we leave the EU—we can disagree on that—but he did not exclude a referendum on the terms of the deal. Will he clarify whether he thinks that the people should have the final say on the terms of the deal?

John Redwood: No, not on this occasion, because 2012 was 2012, and we were trying all sorts of things to get us out of the EU—we found one that worked, and I am grateful for that. However, now is now, and we have to speak to the current conditions and the state of the argument.

Mr Harper: On a referendum, it depends what the options are. The hon. Member for Westmorland and Lonsdale (Tim Farron) is clear that his two choices are that we accept the deal or we stay in the EU. I was on the remain side of the argument, but the question on the ballot paper was unconditional: leave or remain. I accept that my side lost and we are leaving. He wants to rerun the referendum all over again, but that is not acceptable.

John Redwood: I agree with that.

People are trying to make these negotiations far more complicated and longwinded than they need be. Because of the Prime Minister's admirable clarity in her 12 points, we do not need to negotiate borders, money, taking back control, sorting out our own laws, getting rid of ECJ jurisdiction and so on. Those are matters of Government policy mandated by the British people—they are things we will just do. We will be negotiating just two things. First, will we have a bill to pay when we leave? My answer is simply: no, of course not. There is no legal power in the treaties to charge Britain any bill, and there is no legal power for any Minister to make an *ex gratia* payment to the EU over and above the legal payments in our contributions up to the date of our exit.

Secondly, the Government need, primarily, to sort out our future trading relationship with the EU. We will make the generous offer of carrying on as we are at the moment and registering it as a free trade agreement. If the EU does not like that, "most favoured nation" terms under WTO rules will be fine. That is how we trade with the rest of the world—very successfully and at a profit.

Members should relax and understand that things can be much easier. There will be no economic damage. The Government have taken an admirable position and made wonderful concessions to the other side, so I hope that those on the other side will accept them gratefully and gracefully, in the knowledge that they have had an impact on this debate.

Helen Goodman (Bishop Auckland) (Lab): I rise to speak to new clauses 28, 54 and 99, standing in my name and those of other right hon. and hon. Members. New clause 28 deals with the sequencing of votes on the final terms—the issue on which we have had a concession this afternoon from the Minister; new clause 54 is about how to secure extra time if we need it in our negotiations with the EU; and new clause 99 embeds parliamentary sovereignty in the process.

I am pleased to follow the right hon. Member for Wokingham (John Redwood), but I am disappointed that he has not come clean to the Committee on the fact that he has identified an alternative process he hopes to use to secure the kind of Brexit he wants. He did not refer to another blog he wrote recently, in which he said:

“Being in the EU is a bit like being a student in a College. All the time you belong to the College you have to pay fees... When you depart you have no further financial obligations”.

This is a somewhat outmoded view of the way student finances work, but putting that to one side, he evidently has not read the excellent paper by Alex Barker of the *Financial Times* pointing out that the obligations on us will fall into three categories: legally binding budget commitments; pension promises to EU officials; and contingent liabilities, which indeed are arguable.

Sir Oliver Letwin (West Dorset) (Con): Will the hon. Lady give way?

Helen Goodman: I will make a little more progress, if the right hon. Gentleman does not mind.

The right hon. Member for Wokingham has also pointed out that Ministers can only authorise spending and sign cheques with parliamentary approval. He is right about that, and it is right that we have that say, but he is hoping to use that moment to veto the withdrawal arrangements and scupper the chances of a more constructive and productive future relationship. On Second Reading, the right hon. Member for Tatton (Mr Osborne) said—this was astute if somewhat tasteless—that it

“will be a trade-off, as all divorces are, between access and money.”—[*Official Report*, 1 February 2017; Vol. 620, c. 1035.]

For the right hon. Member for Wokingham and his friends, there is no trade-off—he does not want access or money.

New clause 54 calls for extra time. Hon. Members have already raised the need for extra time if Parliament declines to approve the final terms. The new clause adds a scenario in which the Government have not managed to complete the negotiations within the 24 months specified in article 50. This is more likely than not. Almost everyone who has looked at the matter in detail is incredulous that we can complete these negotiations in 24 months. The record on completing trade deals is not good, and there are many more strands to this negotiation. It would be patently absurd to flip to a damaging situation without an agreement, if we can see, once we are in the negotiations and have the detailed

work schedule, that a further six or 12 months would bring us to a successful conclusion. Similarly, it is possible that the Minister’s optimism is well founded but that, while the negotiations have been completed, the parliamentary process has not. In that instance, too, we ought to have extra time.

New clause 99 addresses a different matter. It would embed parliamentary sovereignty in the process of approving the final terms of withdrawal and ensure that the UK withdrew on terms approved by Parliament. Bringing back control and restoring parliamentary sovereignty were a major plank of the Brexit campaign. The new clause is the fulfilment of that promise—the working out in practice of what was promised. The Prime Minister has already said that Parliament should have a vote at the end of the process, and new clause 99 strengthens that promise by requiring primary legislation to give effect to any agreement on arrangements for withdrawal and, even more importantly, on the future relationship. This is important, so that Parliament does not have to give only a metaphorical thumbs-up, which could, as my hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) has said, be meaningless. Instead, Parliament can undertake line-by-line scrutiny. Brexit has major constitutional, political, economic and social consequences. It is right for Parliament to approve the way in which it is done. This new clause will improve the dynamic of the negotiations and strengthen the Prime Minister’s hands. She can say to the EU, “Parliament won’t agree to that.”

3.30 pm

Paragraph 1 of article 50 states:

“Any Member State may decide to withdraw from the Union in accordance with its own constitutional requirements.”

The Supreme Court said in its judgment:

“Withdrawal makes a fundamental change to the UK’s constitutional arrangements...The UK constitution requires such changes to be effected by Parliamentary legislation”.

In line with the Supreme Court judgment, new clause 99 embeds parliamentary approval as a constitutional requirement, which the EU must respect.

The new clause deals with the issue raised at the beginning of the debate by the right hon. Member for Broxtowe (Anna Soubry): what to do in the absence of any agreement. Either the Prime Minister’s negotiations will succeed in reaching a satisfactory conclusion or they will not. New clause 99 provides for both scenarios—legislation in the second as well as the first instance—so that Parliament is in control and is able to decide the basis for leaving. The new clause does not block Brexit; it does not slow down the negotiations. I voted to give the Bill a Second Reading, and my constituents are leave voters. This is about Parliament having sovereign control over the process.

Mr Bradshaw: I am grateful to my hon. Friend for tabling and speaking to this new clause, which I think is important in view of the concerns expressed on all sides of the Committee about the so-called concession offered earlier by the Government Front-Bench team. Will my hon. Friend confirm that she will press her new clause to a vote?

Helen Goodman: I may wish to test the will of the Committee on this new clause when we reach the end of the debate.

[*Helen Goodman*]

I think most rational people would say that the new relationship is more important than the terms of withdrawal.

Sir Oliver Letwin: The hon. Lady said a moment ago that new clause 99 did not seek to delay or derail the leaving process. In the event of paragraph (b) of the new clause coming about—namely, no deal—if Parliament voted against it, would the effect not clearly be that we would stop the process of leaving, thereby denying the effect of the referendum?

Helen Goodman: I do not think it does mean that. It would depend on whether or not extra time had been agreed with the European Union. If the right hon. Gentleman referred back to article 50, he would see that we might get an extension if the other member states agree to provide us with it unanimously. They may; they may not. As we stand here today, it is quite difficult to project ourselves forward into the situation we will find in two years' time.

Sir Oliver Letwin: I am doubly grateful to the hon. Lady. Does she not agree that in the event that we are not given extra time by mutual agreement, and in the event that Parliament has rejected withdrawal without an agreement, the effect of paragraph (b) of the new clause would clearly be the negation of the result of the referendum by Parliament? Does that not go against what she has voted for?

Helen Goodman: I do not think it does, because it leaves open the possibility of the Government's going back to the drawing board and making a further new arrangement. As I say, for us now, when we have not yet embarked on the process and we do not know what the deals will be and what is going to be offered, it is extremely difficult for us to foresee.

Ms Angela Eagle: Does my hon. Friend agree that many of the other 27 countries will be going to their Parliaments for approval with respect to their approach to these negotiations, so that it would surely strengthen our Government's hands if they involved themselves in a process that could through this Parliament maximise the support coming on all sides for our Government's approach? Why is that not seen as a strength?

Helen Goodman: I could not agree more with my hon. Friend. We know that Angela Merkel has to get a parliamentary mandate for how she conducts herself in all her negotiations in the European Union. Some of us have tried over the years to improve the quality of our European scrutiny, but it seems that we are focusing it now only on the moment when we are about to leave.

Geraint Davies: Assuming that the Committee agrees to this amendment, that we trigger article 50 on 31 March and that we vote against the deal, what could we do about it if the Commission and the European Parliament said, "Sorry, but that's the deal you're going to get, like it or lump it"? They do not care; we do not have the sort of power necessary to stop them imposing the deal they want once article 50 has been triggered.

Helen Goodman: My hon. Friend is arguing along the same lines as the right hon. Member for Wokingham—that article 50 is irrevocable. It is the same point as was raised by the right hon. Member for Gordon (Alex Salmond) as well. As I have said, paragraph 3 of article 50 includes the words

"unless the European Council, in agreement with the Member State concerned, unanimously decides to extend this period."

That can happen, and it will depend on how the negotiations are undertaken, on where we have got to, and on their tone.

Tim Loughton (East Worthing and Shoreham) (Con): The treaty of Lisbon clearly sets out the two-year term. Whether or not article 50 is irrevocable comes down to the weakness of the treaty of Lisbon itself, not the legal interpretation. Does the hon. Lady not agree that some of the best deals reached with the EU have been at the 11th hour, and that the one thing that will concentrate the minds of all involved in these negotiations is the fact that they have to happen by March 2019—otherwise, it will go on and on and on?

Helen Goodman: I do not think that the threat of the cliff edge is a positive in these negotiations. I note that the Chancellor of the Exchequer has described this as a second-best option and that the White Paper also says that crashing out is a second-best option. Actually, I think it is the worst option, and new clause 99 levels the playing field so that as well as having the vote on the terms of withdrawal and the money, this House will be able to have detailed scrutiny of the future relationship.

I have consulted my constituents on the kind of Brexit they want: they do not want the cliff-edge option, and there are all sorts of things about Europe that they like, even though the majority voted to leave. They like the customs union; they like the social chapter; they like co-operation and collaboration; and they particularly like the European arrest warrant.

John Redwood: The hon. Lady says that she would like collaboration to support the Government's negotiations. Does she think that in a negotiating situation it is a good idea to say, "We think we owe you lot some money; tell us how much?"; or does she think it would be better to say, "I do not think that we owe you anything"?

Helen Goodman: In my experience of negotiation, one of the most important things is to understand what the people on the other side of the table think, and I believe that that is fundamental to our success in this negotiation. It is not to say that we are going to give the people on the other side of the table everything they want, but we need to be willing to listen to what they want as the negotiation proceeds.

Mr Harper: May I return the hon. Lady to what she said about the different approaches that European states adopt to negotiation? I am not a lawyer, and I hesitate to express an opinion in the face of such eminent legal presence in the Chamber, but my understanding is that treaties made in countries such as Germany, which has a monist legal culture, are directly applicable without further legislation, whereas because ours is a dualist system, we have to legislate to put them into effect. Do not those countries take a tougher approach to their

negotiation before authorising it because once their Governments are signed up to a treaty, it becomes law automatically?

Helen Goodman: I do not see this as an opportunity for a seminar on the political institutions of the Federal Republic. New clause 99 is about embedding what is basic to the British constitution, as found by the Supreme Court, which is parliamentary sovereignty throughout the process. In the end, the referendum was about trust. It was about the kind of settlement that most voters wanted. I know what kind of Brexit deal my voters want, and I think that new clause 99 provides the best way of giving it to them.

Sir William Cash: I hope the Committee will allow me to mention that today, 7 February, is 25 years to the day since the signing of that fateful Maastricht treaty. I see that my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) is looking at me with a wry smile on his face. I do not doubt for a minute that he will recall that he once said—I hope I am not mistaken—that he had not read the treaty. Perhaps he never said anything of the kind, and I should be more than happy to accept his assurance to that effect from a sedentary position.

At the time, I tabled some 150 amendments, and I voted against the treaty 47 or 50 times. I have to say that I will not vote against this Bill in any circumstances whatsoever. Indeed, this will be the first occasion on which I shall not have voted against European legislation since 1986. The legislation passed during that year included the Single European Act. When I tabled the sovereignty amendment to that legislation, I was not even allowed to speak to it because it was not selected for debate, which I found difficult to accept at the time. However, we have now moved well ahead. We have had a referendum, the proposal for which was accepted by six to one in the House. We have also had a vote on the principle of this very Bill, which was passed by 498—500 if we include the tellers—to 114.

In deference to the other Members who wish to speak, I shall not go through the intricacies of this vast number of new clauses. I do not think that that would help us much, for a very simple reason—the bottom line is that they would effectively provide for a veto to override the result of the referendum. It is as simple as that.

Claire Perry (Devizes) (Con): My hon. Friend said that he had tabled 150 amendments off his own bat. Surely he is contradicting his own argument. The whole point of this place is to challenge what we do not believe in, on the basis of principle. That is what we are trying to do, and my hon. Friend should be supporting us.

Sir William Cash: I am so glad that my hon. Friend has made that point. The difference between what I was doing in those days and what is happening now is that we were arguing against the Government's policy of implementing European government, which is what the Maastricht treaty was about—incidentally, the electorate made it clear in the referendum that they now accept that. Moreover, we were arguing in favour of a referendum, which we have now had. My amendments were moving in the right direction, in line with what the Government have now agreed following the referendum and in line with what the people themselves agreed.

Paul Farrelly: The hon. Gentleman—my next-door neighbour from Stone—is clearly enjoying his days in the sun. Like the right hon. and learned Member for Rushcliffe (Mr Clarke), I did not vote for the referendum legislation. Will the hon. Gentleman tell us what regard he has had, over his 40 years of campaigning, for the two thirds of people who, at the time when he started his campaign, voted for the UK to remain in the European Union?

Sir William Cash: I can only say that, in our democratic system, six Members to one in the House of Commons, and indeed the House of Lords, voted in favour of a referendum, by means of a sovereign Act of Parliament, to give the people a say in the hon. Gentleman's constituency as well as mine next door to it—not to mention in Stoke-on-Trent Central, where quite an interesting test will take place in a few days' time. The fact is that the decision was given to the people by an Act of Parliament, and they made the decision to leave. That is definitive. I see no purpose in wasting time on the intricate arguments we have heard so far, many of which go around in circles. The real question is: do we implement the decision of the United Kingdom or not? The answer is that we do, and we must. That was conceded by this House, and by almost everybody—I say, with great respect, to my right hon. and learned Friend the Member for Rushcliffe that he did not, but the bottom line is that we are giving effect to the decision of the United Kingdom electorate.

3.45 pm

Alex Salmond: Unless my memory betrays me, the hon. Gentleman himself was one of the two thirds back in 1975 when he voted for the European Community, so all these years he was campaigning against the sovereignty of that decision; indeed, he was campaigning against his own sovereignty and his own decision.

Sir William Cash: That is politics, as the right hon. Gentleman knows only too well, because he has a similar experience in his position with regard to Scotland.

The bottom line is that we are faced with a simple decision, which is going to be decided in a vote later today, I imagine—it might be in part tomorrow as well, and then there will be Third Reading. I hope that all these attempts to, in my judgment, produce different versions of delay will effectively be overridden by the vote taken by the House as a whole, in line with the decision taken by the British people. That is the right way to proceed.

I would like to add one further point, with respect to the Bill itself. I am in no way criticising the selection of amendments, because I think it is entirely right that we should have an opportunity to look at a variety of permutations before the main vote is cast. But I have to remind the Committee that the Bill, which was passed by 498 to 114, simply says that it will

“confer power on the Prime Minister to notify, under Article 50(2) of the Treaty on European Union, the United Kingdom's intention”, as expressed by the referendum itself,

“to withdraw from the EU.”

Clause 1 simply says this, and no more:

“The Prime Minister may notify, under Article 50(2) of the Treaty on European Union, the United Kingdom's intention to withdraw from the EU.”

[*Sir William Cash*]

I am glad to see that it goes on to say—just to put this matter to bed, in case anybody tries to argue that, somehow or other, this could be overridden by some other European Union gambit—that “This section”, which we have already passed in principle,

“has effect despite any provision made by or under the European Communities Act 1972 or any other enactment.”

In other words, nothing that emanates from the European Union is to stand in its way. That is a very simple proposition. The Bill is short because it should be short.

I would just like to make one last point, looking back at what the Supreme Court said. The Supreme Court made a judgment on one simple question: should we express the intention to withdraw and notify under article 50 by prerogative or by Bill? There was a big battle, and many people took differing views. We respect the Supreme Court decision, and that is why we have this Bill. The fact is that that is final.

In paragraphs 2 and 3 of the judgment, the court itself made it clear what the judgment was meant to be about, which was whether this should be done by Bill or prerogative. The court said it should be done by Bill. It added—these are my last words on the subject for the moment—that it was about one particular issue, which was the one I have mentioned. The court then said the judgment had nothing to do with the terms of withdrawal, nothing to do with the method, nothing to do with the timing and nothing to do with the relationship between ourselves and the European Union. Yet new clause 1 spends its entire verbiage going into the very questions that the Supreme Court said the decision was not about. So that new clause and the others are all inconsistent both with the Supreme Court decision and with the decisions taken on Second Reading.

Ms Angela Eagle: On a point of order, Ms Engel. Surely new clause 1 is in order; otherwise, we would not be debating it.

The Second Deputy Chairman of Ways and Means (Natascha Engel): I do not think that that is a point of order; it is not a matter for the Chair.

Sir William Cash: I am sure that it is in order. The problem is whether we vote for it, and there are extremely good reasons for not doing so. New clause 1 and the other amendments have been tabled by honourable people—hon. Members on both sides of the House, and some right hon. Members—but they know perfectly well what they are doing. They are trying to delay, to obstruct and to prevent the Bill from going through, and I say, “Shame on you!”

Tim Farron: It is an honour to follow the hon. Member for Stone (Sir William Cash), who has fought his corner for 40-odd years. I intend to fight mine, but hopefully not for as long as that. I rise to speak to amendment 43, which is in my name and those of my right hon. and hon. Friends. It concerns the issue of democracy at the end of this process as well as at the beginning, and it would require the Prime Minister to look at the overwhelming case for a people’s vote on the final exit package that the Government negotiate with Brussels after triggering article 50.

On 23 June last year, a narrow majority voted to leave the European Union. I deeply regret that outcome, but I am a democrat and I accept it. However, voting for departure is not the same as voting for the destination. The Government should now give the British people a decision referendum, to be held when the EU negotiations are concluded. I admit that “mandate referendum” and “decision referendum” are not terms that I have used before in this context. They are not really my words; they are the words that were used by the Secretary of State for Exiting the European Union when he eloquently made the case in 2012 for holding a referendum on the deal at the end of the process, which is Liberal Democrat policy today.

James Berry (Kingston and Surbiton) (Con): When the hon. Gentleman said on 11 May last year that this was a “once-in-a-generation decision”, was he being straightforward with the voters?

Tim Farron: As it stands, the Government intend it to be a once-in-a-generation opportunity. As the hon. Member for Stone has proved, however, we sometimes have to fight for two generations for the thing that we believe in. If we have the courage of our convictions, we keep going.

I want to quote the Brexit Secretary directly. I do not want to paraphrase him or risk misquoting him in any way. Describing the strategy of having two referendums—a mandate referendum and a decision referendum—he said:

“The aim of this strategy is to give the British people the final say, but it is also to massively reinforce the legitimacy and negotiating power of the British negotiating team.”

I shall not say this often during this process, but I completely and utterly agree with the Brexit Secretary on that. As we have learned, his words were endorsed the following day by the right hon. Member for Wokingham (John Redwood) on his blog, although we have now discovered that he did not really mean it; he was just saying that as a ruse.

Richard Benyon (Newbury) (Con): The hon. Gentleman and I were on the same side in the referendum, but I want to tell him why he is completely wrong on this matter. If we were to place a second referendum in the Bill at this stage, it would tie the hands of our negotiators. We could only be offered a bad deal, and it would be in the hands of the people we were negotiating with to drive the British people to reject it. It would be a failed policy from the start.

Tim Farron: If we follow the logic of the hon. Gentleman’s argument, the Minister should not have made his offer for the House to have a say at the end of the deal. If someone is about to go over a cliff, not giving themselves the opportunity to do otherwise is the ultimate negotiating weakness, as the Brexit Secretary rightly pointed out four and a bit years ago.

John Redwood: The hon. Gentleman really must correct the record. I did not make the offer in 2012 flippantly or without intending to see it through; it was a fair offer that was not taken up. My colleagues and I then made a different offer in 2015, which was accepted and we are pursuing it.

Tim Farron: In no way do I wish to impugn the right hon. Gentleman's integrity—I am sure that he meant that offer. What I think he said earlier on when I intervened on him was that that was effectively a ruse, plot, method or attempt at that point to try to get a certain outcome. I suppose he is therefore the hard Brexit equivalent of Malcolm X—"by any means necessary."

Several hon. Members *rose*—

Tim Farron: If I can make a little progress, I will be grateful.

It is true that this argument began with democracy, but it cannot now end with a stitch-up. That is especially true given that the leave campaign offered no plan, no instructions, no prospectus and no vision of what "out" would look like. At no point did it produce any credible or unified position on what the UK would look like outside the European Union.

Several hon. Members *rose*—

Tim Farron: I will give way to the hon. Member for Cheltenham (Alex Chalk).

Alex Chalk (Cheltenham) (Con): I was also a remainer and I regret the result, but does the hon. Gentleman agree with the view of Vince Cable, the former Business Secretary, that a second referendum raises "a lot of fundamental problems"?

Tim Farron: We are dealing with many fundamental problems in any event.

Forgive me if I am being pedantic, but the reality is that we are not talking about a second referendum. One could argue that the referendum on 23 June was the second referendum. We are arguing for a referendum on the terms of the deal, which has not been put to the British people.

Mr Kevan Jones (North Durham) (Lab): The hon. Gentleman says that we would reach a cliff edge, but his offer of a referendum involves no choice. People would either have to vote for it or against it. If they vote against it, what would that leave? There would be that cliff edge that people are trying to avoid.

Tim Farron: We are offering the British people an opportunity not only to have the final say on the terms of the deal, but to say, having looked over the cliff edge, "No thanks," and to remain in the European Union. That is a perfectly legitimate democratic offer for a party to make. While it is thoroughly legitimate to have an alternative point of view, that is fully democratic.

Several hon. Members *rose*—

Tim Farron: I want to make a clear point and a little progress.

A few of them are here now, so I want to give a little credit to our SNP colleagues. During the Scottish independence referendum, they were able to produce a 670-page White Paper on exactly what leaving the United Kingdom would look like. Of course, I did not agree with them, but at least the people of Scotland knew what they were voting for or what they would be rejecting.

If that vote in 2014 had gone the other way, there would have been no need for a second vote on the independence deal.

This Government are going to take some monumental decisions over the next two years. I still believe that it will be impossible for them to negotiate a deal that is better than the one we currently have inside the European Union, but the negotiations will happen and a deal will be reached. When all is said and done, someone will have to decide whether the deal is good enough for the people of Britain. Surely the only right and logical step is to allow the people—not politicians in Whitehall, Brussels or even this House—to decide whether it is the right deal for them, their families, their jobs and our country. No one in this Government, House or country has any idea of what deal the Prime Minister will negotiate with Europe. It is completely unknown.

Caroline Lucas: Does the hon. Gentleman share my surprise at the resistance to his perfectly sensible suggestion of a ratification referendum? The hallmark of the leave campaign was "taking back control" but surely that means control for the British people, not just for the MPs in charge.

Tim Farron: Once again, the hon. Lady makes an excellent point. It seems utterly bizarre that having claimed that we were "taking back control"—that effective slogan—they now want to cede control to those occupying the smoke-filled rooms of Brussels and Whitehall in the 21st century and to have a stitch-up imposed upon the British people. The hon. Member for East Worthing and Shoreham (Tim Loughton) has been very persistent, so I will give way to him.

Tim Loughton: The hon. Gentleman will remember that his predecessor produced a leaflet that said only the Liberal Democrats would offer a "real referendum." I presume that the Liberal Democrats had absolutely no idea of the implications if the people had actually voted to come out at that stage. The hon. Gentleman said that this is a once-in-a-generation vote, and he is now saying that we should have a mandate referendum and a terms referendum. If those two referendums go through, when will he be asking for an "Are you really sure about that?" referendum?

4 pm

Tim Farron: The hon. Gentleman seems to be under the impression that democracy is a one-hit game and that, somehow, a person who believes passionately in what they believe in has to give in. He and I both sat on the Opposition Benches during the last five years of the Labour Administration. When the Labour party won its big majorities in 1997, 2001 and 2005, did he give in and say that, somehow, it would be frustrating the will of the people to carry on fighting the Conservative cause? No, he did not. The reality is simply this: it is right to respect the will of the people, but it is to disrespect democracy to cave in and give up when we passionately believe in something.

Charlie Elphicke (Dover) (Con): I have said before that the hon. Gentleman's approach is like Hotel California: you can check out but you can never leave. He is like the SNP, because he just wants people to vote, vote and

[Charlie Elphicke]

vote again until he gets the result he agrees with. The British people have voted. We have to leave the European Union and implement the will of the British people.

Tim Farron: I will come on to that in a moment, but it is not in any way enacting the will of the British people consistently to refuse the British people the right to have a say on a deal that will affect generations to come and that none of us here knows what it will look like.

Owen Smith (Pontypridd) (Lab): I support the position that the hon. Gentleman articulates with amendment 43 but, in light of the concession we heard from the Government today, does he share my concern that, at the end of the negotiation, the choice that this Parliament will have will be between accepting the deal that the Government offer—possibly a bad deal—or falling out of the European Union on WTO terms at a cost of £45 billion to our gross domestic product? Does he not think the British people might be worried about that and might want to have a say?

Tim Farron: The hon. Gentleman continues to make a strong case, and he is bold in putting it across, and not just today. There is no doubt that, whatever the British people voted for on 23 June, they certainly did not vote to make themselves poorer. It would be absolutely wrong for that game of poker to end with our dropping off a cliff edge without the British people having the right to have their say.

Mr Harper: The hon. Gentleman's argument would have force if the question on 23 June had been to give the Government a mandate to negotiate and bring back a deal, but it was not a conditional question. The question asked, "Do you want to leave, or do you want to remain?" People listened to all the arguments about all the risks, and they decided to leave. He cannot accept that, and a democrat should be able to accept it.

Tim Farron: The right hon. Gentleman is quite wrong, because undoubtedly—I have said this very clearly—the majority of people voted on 23 June to leave the European Union. That is the direction of travel that the Government have a mandate to follow at this point. What the British people did not do, because they were not asked, is decide on the destination. As the Brexit Secretary rightly said in his speech just over four years ago, destination and departure are different things. It is right for democrats to make the case that the British people should not have their will taken from them and should not have a stitch-up imposed upon them.

Mr Kevan Jones: What would happen if we did have a second referendum and the British people rejected the offer? Where would that leave us?

Tim Farron: The wording on the ballot paper would be up for discussion, but our vision is that the United Kingdom would either accept the terms negotiated by the Government or remain in the European Union.

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

Tim Farron: I will give way one last time.

Jonathan Edwards: Plaid Cymru has no problem supporting the hon. Gentleman's new clause. If the UK Government have 65 million people behind their negotiating position, as they state in their White Paper, what are they afraid of?

Tim Farron: The hon. Gentleman makes a strong point. It troubles me that those who argued for the sovereignty of Parliament, for the sovereignty of this country and for the enforcement of the will of the people, and all of that, are now so scared of the people. It makes me worry that they do not have the courage of their convictions.

Several hon. Members rose—

Tim Farron: I will make some progress because other Members need to get in. The deal must be put to the British people so that they can have their say, because that is the only way to hold the Government to account. We already know that, in all likelihood, 48% of the British people will not like the outcome of the deal. We now know the kind of Brexit that this Prime Minister intends to pursue, and we can pretty much bet that perhaps half of the 52% will not like it, either. They will feel betrayed and ignored, and the only way to achieve democracy and closure for both leave and remain voters is for there to be a vote at the end.

The Government claim to be enforcing the will of the people, but that is nonsense. If I was being very generous, the best I could say is that the Government are interpreting the will of the people; some would say they are taking the result and twisting it to mean something quite different. The Conservatives won a mandate in the May 2015 general election, having made two promises on this in their manifesto. The first was to hold a referendum on Britain's membership of the European Union. The second was to keep Britain in the European single market. That second pledge was not caveated, time-limited or contingent on the outcome of any referendum. It was a clear pledge and the Government are now breaking it.

Several hon. Members rose—

Tim Farron: I have given way an awful lot.

The Government are making a choice, one that the British people have not given them permission to make. This choice is not just damaging to our country, but divisive. The Prime Minister had the opportunity to pursue a form of Brexit that united our country, achieved consensus, reflected the closeness of the vote, and sought to deal with and heal the divisions between leave and remain. Instead, she chose to pursue the hardest, and most divisive and destructive form of Brexit. She is tearing us out of the single market and leaving us isolated against the might of world superpowers.

I passionately believe that ending our membership of the world's biggest free market will do untold damage to this country and to prospects and opportunities, especially for young people, who voted so heavily to remain. This market is vital for our economy, which is why my party refuses to stop making the case that this deal must include membership of the single market. Those who settle for access to the single market rather than membership are, I respectfully suggest, waving the white flag to this assault on British business and on the cost of living for every family in the country.

Given that the Government are making a set of extreme and arbitrary choices that were not on the ballot paper last June, the only thing a democrat can do is to give the people the final say. If the Prime Minister is so confident that what she is planning is what people voted for, why would she not give them a vote on the final deal?

Charlie Elphicke *rose*—

Tim Farron: I am not going to give way, as I have given way many times and I want to bring my remarks to an end, for everybody else's sake. [HON. MEMBERS: "Hear, hear."] I thought Members would like that.

The final deal will not be legitimate, it will not be consented to and our country will not achieve closure if it is imposed on the British people through a stitch-up in the corridors of power in Brussels and Whitehall. Democracy means accepting the will of the people at the beginning of the process and at the end of the process. Democracy means respecting the majority and it also means not giving up on one's beliefs, rolling over and conceding when the going gets tough. You keep fighting for what you believe to be right and that is what Liberal Democrats will do. So we agree with the Brexit Secretary: let us let the people have their say. Let us let them take back control.

Sir Oliver Letwin: Let me start by correcting the record. I had something to do with the production of our manifesto, which clearly the hon. Member for Westmorland and Lonsdale (Tim Farron) was unable to read in the time available to him. It made no assertion such as he suggests. It was perfectly clear that what it said about the single market would be superseded were there a referendum with the unanticipated result of the British people taking us out of the EU as a whole. I regret that decision—I voted and campaigned to remain—but the British people voted to leave.

The interesting thing about this interesting debate is that it is one of those moments when the cloak of obscurity is lifted from an issue and the dynamic that is actually going on becomes clear. We have reached the crunch issue. We have reached the point at which we are discussing whether the effect of the Supreme Court judgment should be that Parliament has the option at some future date of overruling the British people and cancelling the leaving of the EU, or whether it should not have that ability.

My right hon. Friend the Minister made it perfectly clear that there will be a vote, but he also made it perfectly clear that that vote will be between the option of accepting a particular set of arrangements that have been negotiated by Her Majesty's Government, and not accepting those arrangements and thereby leaving the EU without either a withdrawal agreement or an arrangement for the future. He is right to be optimistic that we can reach such agreements, but neither of us can possibly know whether we will. It is therefore right, if one is trying to follow the logic of the referendum decision, that the judgment of this House should simply be about whether the deal is good enough to warrant doing or, on the contrary, we should leave without a deal.

That is a completely different proposition from the one which, in various guises, some on the Opposition Benches—I exempt entirely from this the Opposition Front-Bench team—are putting, which is that Parliament should instead be given, by one means or another, the

ability to countermand the British people's decision to leave the EU by having a vote either on whether we should or should not leave or, in the proposition of the leader of the Liberal Democrats, on whether the people should have a second referendum on whether we should leave. In both of those propositions is a clear determination to undo the effect of the referendum, and we have now reached the point at which that has come out into the open.

Alex Salmond: The alternative is just to instruct the Government to negotiate a better deal. The phrase in the Conservative manifesto, which the right hon. Gentleman did not write, was:

"We say: yes to the Single Market."

That sounds pretty unequivocal.

Sir Oliver Letwin: Not at all; at that moment we were a member of the EU and we said yes to the single market. I campaigned for the single market and I campaigned to remain part of the EU. That was the Government's position in the referendum. But we also committed to a referendum, and the point of committing to a referendum, which we made perfectly clear not only in the manifesto but in a range of speeches around it, was that if the British people voted to leave, we would leave. It seems to me perfectly clear that the word leave means leave. It does not mean remain. The right hon. Gentleman is an expert parliamentarian, and he has been arguing in many ways, over a long time—the leader of the Liberal Democrats has been arguing it more explicitly—that leave ought to be translated as remain. I deny that that is a translation to which the English language is susceptible.

It seems to me to be perfectly clear that those of us who campaigned to leave and those of us who campaigned to remain have a choice: we can either accept the referendum result or reject it. I accept it, and some Opposition Members also take that view. It may be that some take the view that we should reject the referendum result, and that is a perfectly honourable view. The leader of the Liberal Democrats was effectively arguing, more openly, that we should reject the referendum result. I do not in any way decry his ability to argue that, but everybody who is arguing that should come out openly to that effect, as he did, and not pretend that they are trying to invent some method of parliamentary scrutiny. They are doing nothing of the kind; they are trying to invent a means of undoing the result of the referendum. This House has voted conclusively not to undo the result of the referendum. I think the House was right to do that, but whether it was right or not, it should do that with its eyes open and should not be gulled by anybody into passing amendments that have an effect that it has not signed up to openly.

Tim Farron: I want to clarify that from my point of view it is absolutely clear that this place, Parliament as a whole and, indeed, the courts have no right whatsoever to bar the will of the people. It would be absolutely wrong to overturn the outcome of the referendum last June. I am merely asking for the British people to have the final say on the deal, and that if they reject it, we should stay in the EU. I should also point out that voting to say we leave the EU means leaving the EU; it does not mean leaving the single market—it does not mean that for Norway and Switzerland.

4.15 pm

Sir Oliver Letwin: There are two points at issue. First is the question of whether leaving the EU means leaving the single market. As I argued throughout the referendum to those I was seeking to persuade to remain, it does inevitably mean leaving the single market. I have always taken and continue to take the view that leaving the EU does entail leaving the single market. I regret that, but that is what it entails, in my view.

Leaving that aside, however, I accept that the Liberal Democrat proposition is that it should be not this House directly that countermands the referendum, but a second referendum. The proposition of the hon. Member for Westmorland and Lonsdale (Tim Farron), which is perfectly decent and honourable, is that however many times it takes, the British people should go on being asked to reverse their original decision, and that one should never give up trying to do so because the right answer is to remain. That is a perfectly respectable proposition, but it is not the proposition of a democrat. It is the proposition of a clerisy that knows the answer and believes that people who vote otherwise are misguided and need to be led, time after time, to revise their opinion by whatever means until at last they give the answer that is required.

Unfortunately, that is the very dynamic that has given rise to this whole problem. We are at this juncture today, because our Government passed the Maastricht treaty against the will of the British people and without consulting them, and took us into a form of the European Union to which the people had never consented. That eventually produced the democratic result that the hon. Gentleman and I both dislike. His answer to that is to go on with that logic until at last the British people totally lose faith in any semblance of democracy in this country. Personally, I cannot accept that proposition. In the end, much as I would have preferred to remain, I would rather be in a country that is run as a democracy and that has faith in its governance. We can only achieve that today by fulfilling the terms of the referendum.

I want to turn briefly to the new clauses; by comparison it is a minor point. New clause 1 is fairly innocuous. I am delighted that my right hon. Friend the Minister has indicated that we will not accept it, because there is a scintilla of doubt about whether it is itself justiciable. It says that the statement of the proposed terms of the agreement must be accepted. If that is written into the law, a very clever lawyer—Lord Pannick and others are very clever lawyers—might be able to mount some kind of judicial review of the question of whether the Government had in fact brought forward a statement of the proposed terms of the agreement that was adequate to the intent of the Bill, or the Act. I doubt that that would occur, so, personally, I do not have any very strong feelings about the new clause.

New clauses 99 and 110, about which some Opposition Members have spoken, are entirely different in character. Each of them makes it clear in two different ways that the House of Commons would be called on to make a set of decisions that are justiciable and potentially undermine the leaving of the EU.

In the case of new clause 99, notwithstanding my exchange with the hon. Member for Bishop Auckland (Helen Goodman), it is perfectly clear in paragraph (b) that if Parliament found itself in a position in which it

had not approved the withdrawal without agreement then it would have created an appalling conflict of laws. Article 50 is very explicit. It says:

“The Treaties shall cease to apply to the State in question from the date of entry into force of the withdrawal agreement or, failing that, two years after the notification”.

If the EU had agreed unanimously not to extend the period, the treaties would cease to apply, but Parliament would have, prospectively, voted not to leave. If Parliament has voted not to leave and the treaties do not apply, who in this House could possibly say which of these two laws is superior to the other? We would be in a position of intolerable legal conflict. Clearly, new clause 99 is deficient as a piece of legislation. I hope therefore that those who propose it will take that point and not press it.

New clause 110 is not as bad as new clause 99, although it is very odd because it says:

“any new Treaty or relationship with the European Union must not be concluded unless the proposed terms have been subject to approval by resolution of each House of Parliament.”

Now, it is possible to be subject to approval without being approved, and it is entirely unclear whether new clause 110 refers to approval or to the process that might have led to approval. That, itself, would be justiciable.

Quite apart from that bad drafting, the new clause creates a legal minefield, because it makes it clear that

“any new Treaty or relationship with the European Union must not be concluded”.

Now, one possible relationship that “must not be concluded” without parliamentary approval would be the relationship of not being in the EU, so the new clause, arguably at least—this could be contested in court—would be an opportunity for Parliament to reverse the intent of the referendum and deny leaving.

New clauses 99 and 110 look as innocuous as new clause 1. In fact, they are neither innocuous nor well drafted, but poorly drafted and highly noxious. They fulfil the purposes to which I referred in the earlier part of my remarks: to gull Parliament, if it were to accept either new clause, into putting itself in the position of potentially reversing the decision of the British people. I very much hope that even if the Minister is at any time remotely tempted to accept new clause 1, he will never accept new clauses 99 or 110 at any rate, and that we will steadfastly resist such amendments should they appear here or in the other place.

Charlie Elphicke: I have two concerns about new clause 1. The first is that it is already clear that the Government mean to involve Parliament throughout the whole process, with frequent statements, updates and discussions. The second is that we cannot know all the permutations around which the agreement and exit may be affected. To legislate for that now, before we know how it will all end up, is premature and would risk us binding the hands of the Government and negotiators.

Sir Oliver Letwin: I share my hon. Friend's preference for not legislating in that respect. In fact, one can go wider. There are good reasons why, over a very long historical evolution, the House of Commons has always resisted legislation that governs its own proceedings. A number of authorities on our constitution have written that the nearest approximation to the constitution of

the United Kingdom are the Standing Orders of the House of Commons. That is not a frivolous remark by those authorities; it is true.

Such a situation has arisen because we have resisted having legislation that governs the House of Commons in order to avoid the judges becoming the judges of what should happen in the House of Commons. We have invented, over a very long period, the principle of comity—that the judges do not intervene in the legislature, and the legislature does not intervene in the decisions of the judiciary. To legislate for how the House of Commons proceeds would move over a dangerous line. I am therefore with my hon. Friend the Member for Dover (Charlie Elphicke) in hoping that we will not accept new clause 1. I am just saying that if we were tempted at all to introduce any piece of new legislation at any stage, it should certainly look like new clause 1, not new clauses 99 and 110. Those new clauses would subvert the referendum, and we cannot allow that.

Chris Leslie (Nottingham East) (Lab/Co-op): I have some respect for the right hon. Member for West Dorset (Sir Oliver Letwin), but I have been in enough Bill Committees over my short time in Parliament to have heard some of those arguments. When I hear hon. Members resorting to mentioning the drafting of a particular phrase—particularly when the right hon. Gentleman came to the phrase “subject to approval” of both Houses, as if it were somehow an alien concept to be resisted in all circumstances—I hear the last refuge of the parliamentary barrel scraper. If he has substantive arguments against new clause 110, which I advocate as it is in my name, it is better to engage with those, rather than dancing around trying to find second or third order arguments against.

It has been an interesting debate so far. There was a moment of frisson and excitement—well, excitement in parliamentary terms—at the beginning when the Brexit Minister, the right hon. Member for Clwyd West (Mr Jones), who is still in his place, stood up and breathlessly said, “Let me give you a concession. I’ll indicate that something here is substantively different.” At the Dispatch Box, he clarified a little further—not much further—than the Prime Minister did in her speech at Lancaster House the timing of the vote that Parliament will have, but the right hon. and learned Member for Rushcliffe (Mr Clarke) quickly spotted that, in the definitions of when a negotiation is concluded and when it is signed off, there is still a grey area as to what the timing would be.

I suppose it is some small mercy that many hon. Members might say that this is some level of progress, but having been marched up to the top of the hill in the expectation that this was a great concession, I am afraid that, as the minutes have ticked by, we have marched back down the hill again. Through the probing of many hon. Members on both sides of the House, we have discovered a number of things about the vote, and we should not forget that we are trying in this section of the debate to secure a properly meaningful vote at the end so that parliamentary sovereignty can come first, as the Supreme Court emphasised in its judgment.

When pressed, the Minister had to admit that if we ended up with no deal, the House would not get a vote on that circumstance. That is deeply regrettable because new clause 110 deliberately talks about a “new Treaty or relationship”. A relationship, of course, involves the

connection between two entities. That connection can be a positive new one, but it can also be one with a disjoint within it. We should have a vote if that relationship includes no deal.

The Minister said we would not be having a vote if there was no deal. That is extremely disappointing; it is not in the spirit of the concession being sought. We were looking for a concession on not just the timing of the parliamentary vote but the scope—in other words, the circumstances in which, having gone through the negotiations, we would be able to vote.

It is a little like travelling for two years down that road of negotiation, getting to the edge of the canyon and having a point of decision: are we going to have that bridge across the chasm—that might be the new treaty, which might take us to that new future—or are we going to decide to jump off into the unknown and into the abyss? Parliament should have the right to decide that. That is the concession I think many hon. Members were seeking, and it is not the concession we received.

Sir Oliver Letwin: The hon. Gentleman has given an extraordinarily important clarification of his new clause. As I suspected and speculated, “relationship” includes the potential for no relationship. Therefore, he is advancing the proposition that Parliament should be able to reverse the effect of the referendum and prevent the United Kingdom from being able to leave the EU.

Chris Leslie: No. As we saw on Second Reading, it is quite clear to all concerned that we will be leaving the European Union. That was the judgment in the referendum, that was the question on the ballot paper and the House came to that point of view. But it is important that Parliament reserves the right, as the Prime Minister has sort of indicated, to have a say on the final deal. This is our opportunity—potentially our final opportunity—to set out on the face of the Bill precisely what the circumstances would be.

Mr Harper: Will the hon. Gentleman give way?

Chris Leslie: No, I will not give way, because a lot of hon. Members want to get in.

What was particularly disappointing and deflating in the Minister’s so-called concession, which now feels quite hollow, was that he went on to say that if Parliament did decide to vote against a draft deal, he would not go back into negotiations—that the Government would feel that this was somehow “a sign of weakness”. I think that is entirely wrong; if Parliament says, “With respect to the Government, this is not quite good enough. Please go back and seek further points of clarification and further concessions in the negotiation,” that should be a source of strength for the Government. Quite frankly, I believe it strengthens the arm of the Government for them to be able to say, “You know, we would like to do this, but Parliament is really keen for a better deal.” It is quite useful for the Prime Minister to have that. New clause 110 is helpful to the Prime Minister. It is disappointing that the Minister did not just say this in response to pressure from hon. Members but had it in his script. He had pre-prepared the circumstances where he was going to say that he was not prepared to go back into negotiations if Parliament declined to give support to the new arrangements. We can see that the concession is not quite all that it was meant to be.

4.30 pm

Claire Perry: One of the things that is troubling me is the principle of equivalence. As I understand it, the European Parliament has the opportunity to vote on the deal before it is presented to the European Council, and so, in effect, has a right of veto. I interpret that to mean that the deal is therefore then sent back to the negotiating team for further negotiation. Does the hon. Gentleman agree that one of the strong points that we have to ensure is that those who voted to leave the EU, whose decisions we respect, have at least equivalence in terms of what their Parliament can do as compared with the European Parliament?

Chris Leslie: I commend the hon. Lady for making an incredibly important point in defence of the sovereignty of our Parliament. This is about putting Britain first, making sure that we defend and safeguard the rights of our constituents, and ensuring that the European Parliament does not have an advantage that we would not. If the European Parliament has the opportunity to reject the new arrangements, then so should we: it is a very simple point.

The Minister could make that verbal concession. He is a very able Minister, but Ministers can be here today and gone tomorrow; they come and they go. Having such clarity enshrined in the Bill is really important for hon. Members. This is a question that transcends party political issues. The Minister should hear the voice of Members in all parts of the Committee. We recognise that we are going to be leaving the European Union, but we want the best possible deal for Britain, and Parliament is sovereign here. Yes, we have Ministers who lead on the negotiations, but they cannot cut Parliament out of this altogether. That should be a source of strength for them.

Mr Harper: There is something I do not understand—I have been thinking about it since it was raised by the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper). The hon. Gentleman asks whether we could have a vote in a situation of not having a deal. The leader of the Liberal Democrats has been clear in his view that if we said no to the deal, we would remain in the European Union. In a vote in a no deal situation, what are the two choices? Would one of them be remaining in the European Union?

Chris Leslie: My understanding is that we remain in the European Union until such time as the article 50 two-year period expires, after which, potentially, there is the famous cliff edge.

Now that we have had partial acceptance from the Government that the vote needs to take place in Parliament sufficiently early on the draft arrangements, I hope that Parliament would then have a sufficient period of time to say to Ministers, for example, “We like 90% of the deal that you’ve done, but we’d like you to go back again, within the time that remains, to get a slightly better deal.” This is simply the role that Parliament should have. Taking Parliament out of that process altogether would be a great shame.

Geraint Davies *rose*—

Chris Leslie: I would like to move on because other hon. Members want to get into this discussion.

The wording of new clause 110 is very deliberate in talking about the new relationship as well as a new treaty. It is important that we take the opportunity that the Supreme Court has given us. Not only that, but we should listen to the entreaties of the Prime Minister herself in her own White Paper, where the 12th of her 12 points said that we would not aspire to a cliff edge—that we would try to get a deal. This new clause simply seeks to facilitate, in many ways, the role that Parliament could have in achieving the very thing that the Prime Minister has said that she wants.

I am afraid to say to the Minister that Hobson’s choice, take-it-or-leave-it style votes are not acceptable and not good enough for Parliament. We must have a continued say in this. I urge members of the Committee, across the parties, to consider the role that new clause 110 could play in making the vote meaningful.

Mr Grieve: It is a pleasure to participate in the debate. I agree with one comment that the hon. Member for Nottingham East (Chris Leslie) made when he spoke to new clause 110: the problem that bedevils this debate is that we are in a grey and murky environment when it comes to ascertaining how the process will or should unfold. As somebody who campaigned to remain, that was one of the things that worried me at the time, but I have to accept that the electorate have spoken. For me, the key issue is how I can help the Government to navigate some of the reefs that seem to be present so that we can achieve a satisfactory outcome and try to give effect to the expressed will of the electorate.

Our problem is that we cannot predict what the situation will be in two years’ time. We have no idea what the political landscape will be in this country. We do not know what the economic conditions will be, and we do not know whether we will be doing very well in the run-up to Brexit or very badly. We cannot predict the political landscape on the European continent or the state of the European Union, and how that might affect the negotiations. Nor can we predict the wider security situation on our continent.

That is why the idea that the House in some way forgoes its responsibility to safeguard the electorate’s interests because a referendum has taken place is simply not a view to which I am prepared to subscribe. In such circumstances, we need to have regard to the situation and to the difficulties that the Government face because of its unpredictability, but we must rule nothing out.

To pick up a point that has been made—I repeat it, because it is my position and I shall hold to it until the end—public opinion on this matter may change radically, and the House would be entitled to take that into account. Equally, I accept that at the moment there is no such evidence, and it is our duty to get on with the business of trying to operate Brexit.

How do we introduce safeguards into the process? Of course there is an ultimate safeguard, as the House has the power to stop the Government in their tracks, but that tends to be a rather chaotic process that leads, usually, to Governments falling from office. It is an option that one can never entirely rule out in one’s career in politics, but it is not one that I particularly want to visit on my Front-Bench colleagues. However, this is an important matter, and one of the risks that they undoubtedly run in this process is that it could happen to them. We cannot exclude that possibility.

It is very much better that we should have some process by which Parliament can provide input and influence the matter in such a way as to facilitate debate and enable us collectively to reach outcomes that we can, at least, accept and that may be in the national interest.

Alex Chalk: On a point of clarification, will my right hon. and learned Friend indicate whether he perceives new clause 110 to be a potential vehicle for blocking Brexit and keeping us in the European Union? At the moment, that is not clear to me.

Mr Grieve: New clause 110 is certainly very well meaning, but I happen to think that there are some problems with it, and I will explain what they are in a moment.

One point that should be made is that it is usual for Government to bring important treaties to the House for approval before signing them. That is a common phenomenon; it is not unusual. There is a long history of doing that with important treaties, so we cannot simply say, “Normally, we ratify them after they are signed.” The obvious course of action, sequentially, is for the Government to publish the White Paper—I am delighted that we succeeded in securing one, because it sets out a plan—and then to get on with the treaty negotiations. In an ideal world, I would like the Government to come back before anything is concluded to ask the House for its approval and to indicate what they have succeeded in achieving. The House will have to make judgments at that time in relation to the overall situation.

Mr McFadden: I am grateful to the right hon. and learned Gentleman for giving way while he is taking us through this sequence. The Minister indicated at the beginning of the debate that the Government were bringing forward a concession that would make the process more meaningful. I do not expect him to comment, but it appears that No. 10 is now briefing that it is exactly the same as what the Prime Minister offered in her Lancaster House speech, meaning that nothing has changed.

Mr Grieve: I do not think I agree with that. I do not know what No. 10 may or may not be doing, but I had a role in trying to secure the concession read out by the Minister. It is by no means a perfect concession as far as I am concerned, and in a moment I shall come to some of the difficulties that I think the House has.

Angela Smith: The *Daily Mirror* is reporting that No. 10 has said that all the concession does is give clarity around the timing of the vote and nothing else.

Mr Grieve: It is absolutely right that the Government have indicated on a number of previous occasions that they would allow the House to have a say. Looking at the matter logically, I have to say that depriving us of a say would be a “light blue touchpaper and retire” moment, frankly. If a Government do not wish to bring themselves down, denying Parliament a say on a really important issue is just not feasible.

I had a role in trying to see how the Government could provide some assurance about the process. It is not perfect—the Minister has read out what he has—but

I say to the hon. Member for Penistone and Stocksbridge (Angela Smith) that, as the shadow Secretary of State said, it is a very significant step forward from what had been said previously. To my mind, it has provided helpful clarification.

Angela Smith: The right hon. and learned Gentleman is being generous. No.10 is briefing that there is no real change and that the concession is not a concession. That is No.10 itself.

Mr Grieve: I can read what is on the paper. I take the view that this is a significant step forward, but I will say no more about it at this time.

Alex Salmond: The House will have its say; the question is about the circumstances in which it has that say and the default position if it does not agree. May we adjudicate between the *Daily Mirror*, No.10, the Minister and the interpretation of the right hon. and learned Gentleman by having something on paper in the Bill? In that way, all our interpretations can be crystallised around an essential truth.

Mr Grieve: With characteristic sagacity, the right hon. Gentleman goes to the heart and nub of the problem. Is it readily possible to put into the Bill the intention read out at the Dispatch Box by the Minister? In fairness to the Minister and the Government, there are, I am afraid, some really good reasons why that presents difficulties.

The most obvious difficulty is the finite nature of the negotiating period under article 50. One of the things I was interested in was whether we could secure from the Government an undertaking that we would have a vote at the end of the process—before, in fact, the signing of the deal with the Commission. Contrary to what is set out in new clause 110, the Council of Ministers and the Commission are not two separate processes. The Commission will sign the initial agreement when the Council of Ministers gives it the authority to do so, and it then goes to the European Parliament for ratification or approval—call it what you will. Those are not two separate things.

Our problem is that if the negotiation follows the pattern that we have often come across in the course of EU negotiations—running to the 11th hour, 59th minute and 59th second—and we are about to drop off the edge, I confess that I do not particularly wish to fetter the Government’s discretion by insisting that at that precise moment they have to say, “We’re terribly sorry, but we can’t give you a decision until 48 hours after we have dropped off because we have to go back and get approval from both Houses of Parliament.” That is a real problem inherent in what to my point of view is the ghastly labyrinth into which, I am afraid, we have been plunged. We have to try to work our way through it with common sense.

Yvette Cooper: Was it the right hon. and learned Gentleman’s understanding that the Minister said that the deal would be presented to Parliament after it had been agreed by the Commission and the Council, but before it had been agreed by the European Parliament? If so, that sounds like a really late stage in the process.

[Yvette Cooper]

Does he think it is a problem if the European Parliament can send the deal back for negotiation, but the UK Parliament cannot?

4.45 pm

Mr Grieve: There are bound to be difficulties because the whole process of negotiations under article 50, as the right hon. Lady will be aware, is rather one-sided. That is an inherent difficulty. Let us suppose for a moment that the negotiations are concluded in 18 months. I would rather hope in those circumstances that the Minister would say, “Thank you very much, but we will not even make the first agreement. We want to go back to the both Houses of Parliament even before we agree with the Commission because we have time to do so.” However, if it is the 11th hour, 59th minute and 59th second, I accept that the Government have a problem that is not taken into account by new clause 110.

Mr Kenneth Clarke: My right hon. and learned Friend’s preference is obviously for Parliament to be asked its opinion before any agreement has been signed with the Commission, on the authority of the Council. Does he accept that the 11th hour problem can easily be got around? In the tortuous process of European negotiations, stopping the clock is hardly unknown. If all the member states agreed that the British Government had to be given time to get the approval of Parliament, they would allow two or three weeks to elapse.

Does my right hon. and learned Friend also agree that we need something on paper to clarify these highly important points? Does he join me in inviting the Minister to table an amendment in the House of Lords to give precise effect to whatever the concession is meant to mean? If we pass either new clause 99 or new clause 110, it could be replaced by that Government amendment, if Ministers were to come up with a better clarification. What we cannot do is leave the debate to continue for the next two years on what the Minister did or did not mean when he made his statement to the Committee today.

The Temporary Chair (Mr George Howarth): I say for the benefit of other Members that the right hon. and learned Gentleman has had a very long career—so long, in fact, that he is capable of recognising the difference between an intervention and a speech.

Mr Grieve: I am delighted to hear from my right hon. and learned Friend. I do not think it would necessarily be unhelpful—in fact, it would be very helpful—if the Government were in a position to amplify the Minister’s brief statement. However, I acknowledge—I think my right hon. and learned Friend knows this—that doing that by means of an amendment would be rather difficult. I know that Government draftsmen have extreme ingenuity and, indeed, that this issue might be taken up in the other place, but there are difficulties because there is a whole series of conditionalities. I certainly do not wish to fetter the Government in their ability to carry out the negotiation. It has always seemed to me that it would be a great error to do that, because we might undermine the ultimate outcome, to our own detriment. That has worried me throughout the process.

I do not want to take up more of the Committee’s time. Although I have had great difficulty over this matter today and in the days leading up to this debate, my inclination, for the reasons I have given, is to accept the assurance given by my right hon. Friend the Minister, which seems to me to be a constructive step forward. However, he has to face up to the fact that this issue will not go away. Even when we have enacted this Bill and triggered article 50, this will be a recurrent theme throughout the negotiating process that will come back much, much harder as we get closer to the outcome and as it becomes clearer, from all the leaks that will come from Brussels, what sort of deal or non-deal we will have, so the Government had better have a strategy. If their strategy is to avoid this House, I have to say to the Minister that they will fail miserably. I do not want that to happen. I want to guide this process as best I can, as a former Law Officer, towards a satisfactory conclusion.

Alistair Burt: My right hon. and learned Friend has played a considerable part in this process. Does he agree that the remarks of the Minister put the onus on the Government to ensure that the reporting process for the negotiations is meaningful? We cannot have a vote at the end of the process after 18 months of radio silence. The reporting process must be sensible and relevant. It must give the House a feel of what will happen because, if that is not the case, the vote at the end will mean very little.

Mr Grieve: I agree entirely with my right hon. Friend. I hope that the Government will listen because, as I say, this issue will not go away. It will keep coming back to dominate our politics until we have resolved it satisfactorily. That said, I would be being curmudgeonly towards the Minister if I did not thank him for having listened on this issue, for which I am grateful.

Sir Oliver Letwin: My right hon. and learned Friend has thanked the Minister, but I think that the Committee ought to thank my right hon. and learned Friend. He has set out the responsible version, which we did not hear from Opposition Members, of how to deal with this issue.

Mr Grieve: I am grateful to my right hon. Friend. He made some of the points that I might have made in his speech. He and I approach the issue from a similar angle.

Geraint Davies: The right hon. and learned Gentleman’s whole speech seems to be predicated on the idea that the Government can go to and fro, and somehow finesse and negotiate something that Parliament might be happy with. Is it not the case, however, that it will be the EU27 that decide what we get? They will say, “You’ve triggered article 50, so here’s what you’re getting,” so is not this whole discussion cloud cuckoo land?

Mr Grieve: I have to say to the hon. Gentleman that I do not know. I actually think that none of us knows. We can make some broad assumptions that there appears to be some goodwill to try to reach a sensible agreement, and we can see how that could be easily derailed by political pressures and considerations within other EU states. We can also see that the United Kingdom is at a disadvantage in the negotiations for reasons that are

plainly obvious. Having embarked on this course, however, we have to try collectively to apply common sense. I regret to say that I often do not hear common sense on this issue. Frequently, I do not hear it from some Conservative Members who seem fixated on ideological considerations that will reduce this country to beggary if we continue with them. We have to be rational in trying to respond to the clearly stated wishes of the electorate until such time as they show—they might, just as they showed between 1975 and last year—that they have changed their mind on the subject. Even then, the view might be of a completely different future and not a return to the past.

I will do my best to support the Government and I welcome the Minister's comments. In the circumstances, having looked at the amendments, those comments are the best solution we have this evening. However, that does not mean that the Government will not have to continue thinking about how they involve the House. Otherwise, this House will simply involve itself.

Owen Smith: It is a genuine pleasure to follow the excellent and characteristically shrewd speech by the right hon. and learned Member for Beaconsfield (Mr Grieve). I agree wholeheartedly with one point he made towards the beginning of his speech: we cannot allow the fact that there has been a referendum to absolve this House of its duty to scrutinise the Government's progress in the negotiations, and to act in the national interest. I wholeheartedly agree with him on that. That view is conditioning my entire approach to this debate.

I disagreed with the right hon. and learned Gentleman, however, on the substantive point he made in respect of the concession made by the Brexit Minister. I disagree that the Government have made a substantive concession today. I confess that I am far less sanguine than some of my right hon. and hon. Friends about that. It does not feel to me that we have moved much beyond where we were in the Lancaster House speech. What is being offered to the House is a debate right at the end of the process, at a point—we do not know when exactly—seemingly in the dog days of the process. A choice at that point will be between the deal on offer, which in my view is likely to be a bad deal—one predicated on our leaving the single market and the customs union; the rock hard Brexit we all feared—and no deal. If there is no deal, the Minister confirmed today that the country will face exiting the European Union on WTO terms. What does that mean for the country? According to the director general of the WTO, it would mean a reduction in trade of around £9 billion per annum to the UK. Before the referendum, the Treasury thought it would mean an annual reduction in receipts of £45 billion per year. That was the reduction in GDP it foresaw. It is an eye-watering sum, equivalent to putting 10p on the basic rate of income tax. That is why, above all else, we have to consider where we are going incredibly carefully. If we end up there, it will be a disaster for Britain.

I said earlier that I wanted to speak in favour of amendment 43, tabled in the name of the hon. Member for Westmorland and Lonsdale (Tim Farron), but I would have liked to speak to my new clause 52, or even new clause 131, tabled by the Liberal Democrats, which would both have gone further and insisted on there being a second referendum. Apparently we cannot consider those amendments, however, because they would require

a money commitment that the Bill does not have. That is ironic, given that the potential cost of falling out of the EU is £45 billion. Spending £100 million to make sure we do not do that seems like a pretty good deal.

Geraint Davies: Amendment 44, to be voted on tomorrow, makes provision for a referendum and valuation that does not need to be costed and therefore is in order, so those who want a second referendum on the final deal can vote for that amendment.

Owen Smith: I am pleased with that, and I hope that we will vote on it tomorrow.

I am insisting that we consider a second referendum—a confirmatory or ratificatory referendum, or whatever we want to call it—because I sincerely believe that Brexit will be a disaster for our country, and one that will cost us and future generations in lost trade, revenues and opportunities. I equally believe that it is a disaster for us to be dividing the country on this issue, as we have been, in respect of our values and the other crucial things we hold in concert.

John Redwood: Will the hon. Gentleman give way?

Owen Smith: I will not. The right hon. Gentleman has spoken a lot already.

It was deeply destructive for us to have engaged in Brexit and unleashed a catalytic force of destructive politics, not just in this country but across the west. It is to my eternal regret that Parliament launched down this route without being sufficiently vigilant or diligent with regard to the risks we faced in the referendum or the nature of the referendum we were offering to the country. It was a profoundly flawed referendum in many ways, and one that many across the House feel could have been dramatically improved with greater scrutiny and care. Why did we not offer that scrutiny? I do not think that many Members on either side of the debate seriously thought we would lose. There was a widespread view that the referendum was agreed for ideological reasons—to solve the culture wars that have raged in the Tory party for 30-odd years—and it was not considered carefully enough.

The House has an opportunity to make amends for the mistake that we—not the people—made. The people voted on the terms and the question we offered them, with the information we provided and on the basis of the 50%-plus-1 margin we put into statute. We have an opportunity to rectify some of those mistakes, and I feel that we should. We should follow the view of the Brexit Secretary when he was on the Back Benches, and, as the hon. Member for Westmorland and Lonsdale said, we should have a final confirmatory referendum.

We had a mandate referendum, the result of which was that we should leave the EU, but we do not know what the terms of that leaving will be. It is perfectly legitimate for us to consider what they might be. It would not be to deny democracy to do that; it would be to double down on it. The problem with simply pushing for a vote in this place on the terms of the deal is that we run the risk of leaving the people doubly dissatisfied. It is perfectly possible for this House to reject the prospect of our falling out of the European Union on WTO terms, because of the costs that will become apparent when we see the extra costs for our car production, for

[Owen Smith]

chemicals, for financial services and for all the other things that would see their tariff price rise for export out of this country. It is perfectly possible, as the right hon. and learned Member for Beaconsfield said, that we start to see a change in the country's views in respect of Brexit when those things happen.

5 pm

Let me be clear. Why do I ask for this? I do so because I hope the country does change its mind. I am not shy about saying that. I feel Brexit is a mistake that will damage the future of our children, and that it is not in our national interests. Although the people have voted for it, I think we have a duty to scrutinise the Government's management of this process and to give clarity to the people about what it is really going to mean for them. I do not mean the projections, the promises, the £350 million lies scrawled on a bus or some of the so-called threats from "Project Fear", but the reality of what Brexit is going to mean in pounds, shillings and pence for my children and for all our children. At that point, we will be doing our duty if we not only scrutinise and vote in this place, but use that vote to give the people the final say on the final terms of the deal.

Anna Soubry: Let me say from the outset that it is really important that we all step back from the way we have done politics arguably for too long and to the detriment of British politics. I mean the idea that there are "concessions" to be made, that the people have bottled things, that briefings from No. 10 say that no concessions have been made, that concessions have been given and that they are this or that, that it is wonderful that one viewpoint has been triumphant over another or that the hard-line Brexiteers or the remoaners have been seen off. I find that not only tedious and inaccurate but something that does none of us any favours. Most of all, it does not do our constituents any favours, either. I, for one, am sick and tired of it.

I think it was back in September or October when a number of people on these Benches said that what now happens, as we leave the EU—for the referendum result has been accepted—transcends normal party political divides because it is so important. It is important, frankly, not for my generation but for my children and the grandchildren to come. As others have said—possibly on the Opposition side; I do not care, and I will give credit to whoever said it—this is the most important set of negotiations that we have entered for decades, and it is critical that we get them right because of the consequences for generations to come.

Can we, in effect, stop the sort of—I nearly said willy-waving, Mr Howarth, but that might not be a parliamentary term. However, that is actually what it is, and it is not acceptable any more. Let us try to come together to heal the divide. This needs to be said. Let me extrapolate from the vote, not just in my constituency but in Nottingham and with a look to Ashfield. The borough is bigger than my constituency and excludes Eastwood and Brinsley—wonderful places well worth a visit, but I will not go into the demography. In short, I think that the vote for leave in my constituency was about the national average—perhaps 51%, possibly as much as 52%. Some of my constituents voted to leave the European Union, as indeed did people across the

country, because they wanted, and were adamant about this place having true sovereignty, or true parliamentary sovereignty.

The awful irony is that, since the vote—I am going to be very honest about this—many people feel that Parliament has been completely excluded. The Government had to be brought here. This Bill is before us because some brave citizens—and they were brave—went to court to say that parliamentary sovereignty must mean that: it must be sovereign and it must exceed the powers of the Government and the Executive. It has felt, as I say, as though this place has been excluded at all stages. And so it has come about that we are leaving the single market, and we have abandoned free movement. We have abandoned long-held beliefs in all parts of the House, with no cross-party divide. In some instances, we have voted against everything that we have believed in for decades.

Last week, when we voted to translate the result of the referendum into action, we did not vote according to our consciences or our long-held beliefs. I did not vote with my conscience, and if I am truthful about it, I am not sure that I voted in the best interests of my constituents. That upsets me, because I did not come here for the sake of a career; I came here because I wanted to represent my constituents and do the very best for them. I genuinely do not know whether I did that last week. However, I was true to the promise that I had made to my constituents. I had promised them that if they voted leave, they would get leave, and that is what drove me through the Lobbies last week with a heavy heart and against my conscience.

I do believe that I did the right thing, and I can look myself in the mirror every morning believing that I have been true to the promise that I made to my constituents; but I am jiggered if I am not now going to be true to my belief in parliamentary sovereignty. I do not want to vote against my Government. I have never been disloyal to my Government, even though at times—well, we won't go into that. I have always been true and loyal to them. In this instance, however, I think that new clause 110 embodies admirable objectives. Goodness me, anyone would think that the new clause was revolutionary. All it would do is ensure that whatever happens—be it a deal or something else—Parliament must approve it, and I certainly support my Government and my Prime Minister in all their efforts to secure that deal.

I thank the Minister for the concession that he has made. If Members do not like the word "concession", I will abandon it, but what the Minister has said has been the right thing to say. I completely agreed with the excellent speech made by my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve). This is progress, and it is the right thing to do. What concerns me is what will happen if, despite their best efforts, the Government fail, through no fault of their own, and we have no deal. How revolutionary is it to say, in the event of no deal, and at the right and meaningful time as we proceed to that new relationship, "Please could we have a say—not on behalf of Parliament, but on behalf of all our constituents?" That is why we come to this place.

Stephen Doughty: The right hon. Lady has got to the nub of the issue. I, too, would like new clause 110 to be pushed to a vote. Throughout this process, my constituents have seen Parliament sidelined and presented with a

“deal or no deal” option. We face the horror of ending up on WTO terms, or, even worse, in some sort of limbo. Given the difficulties of negotiating even WTO terms, our country would be in a bigger mess than the one it is in already. That is what my constituents fear, and that is why they want Parliament to have a say.

Anna Soubry: I agree with much of what the hon. Gentleman says, but I am also reminded of what was said by my right hon. and learned Friend the Member for Beaconsfield. As he rightly asked, who knows where we may be in two years’ time? No one seems to have thought about the issue in those terms. God forbid, but we may not have our Prime Minister then: we may have another Prime Minister, for whatever reasons. We may not have the same Secretary of State, or, indeed, the same Minister of State. Those circumstances could change, and other circumstances could change, such as the economy or the mood in Europe.

There may indeed be circumstances—and the hardline Brexiteers have surely missed this point—from which they may want to protect themselves. They may then want that debate. It is also possible that WTO tariffs and the other developments that the hon. Gentleman and I fear would be in our best interests. That is the whole point: we do not know where we shall be in two years’ time. It is right for us to keep our options open, and it is right for us to have a debate and a vote.

Mr David Lammy (Tottenham) (Lab): The right hon. Lady is making her points with her usual eloquence. Does she agree that another context that has clearly changed since 23 June is the geopolitics of the world? We have a new leader in the United States, and some very serious concerns have been raised about Putin in Russia. We certainly do not know where we might be in two years’ time.

Anna Soubry: I absolutely agree, and that is exactly the point that many Members across this House are now making.

Mrs Madeleine Moon (Bridgend) (Lab): The right hon. Lady is making a very honest speech, and I commend her for her honesty and decency.

We have just heard three excellent, calm, rational speeches explaining the things that are tearing this country apart. Is it not now time for us all to understand that not only are we talking to our own constituents, but that this House is being listened to across the world, that the people who will be deciding on Brexit are also listening, and that those who are ever more triumphalist, aggressive and bellicose will be the worst enemies when it comes to our getting to where we will need to be?

Anna Soubry: I completely agree with the hon. Lady, and this is part of the bringing together, the forming and building of a consensus not just in this place—I do not know why we should be so frightened of that here—but across the country at large. Families, friends and communities remain divided and we must now come together.

People have put their trust, as I have, in my Prime Minister and my Government. I have said to them, as somebody who has always believed in our continuing membership of the EU, that we lost that debate, and I

now trust the Prime Minister and the Government when it comes to the abandoning of the single market and freedom of movement, and even, goodness forbid that this happens, leaving the customs union. I will continue to fight for all those things, because I believe in them, but I trust my Prime Minister and Government to get the best deal for our country. I think this Bill is a good vehicle to deliver the result and in many ways should not be amended, but all we are asking is that this place, in the event of no deal, actually has a voice and a vote.

If the Government cannot see the profound logic and sense of that, it will leave people like me with no alternative but to make my voice clear and heard on behalf of all my constituents and to support the hon. Member for Nottingham East (Chris Leslie) in this amendment. It is reasonable and fair, and it encompasses, in what it seeks to achieve, the right thing.

Mr Harper: In the case of there being a deal, the Minister has given a clear commitment that the House will vote on it. In the case of there not being a deal, I do not know whether my right hon. Friend can answer the question as to what exactly the House will be voting on any better than the hon. Member for Nottingham East (Chris Leslie) did, but my reading of new clause 110 is that it only deals with cases where a new treaty or relationship is being proposed; it does not deal with the case of there not being a deal.

Anna Soubry: I am grateful for that intervention as it gives me the opportunity to make it clear—I am sure the hon. Member for Nottingham East could explain this if it needs any further clarity—that I take the term “relationship” to be describing exactly that. If we do not have a deal, we then accordingly have a new deal—a new relationship, in other words—with the EU. I congratulate the hon. Gentleman on putting the word “relationship” into that new clause, because it perfectly encompasses the eventuality of there being no deal—it encompasses all eventualities. It is not rocket science; it is not revolutionary; it is the right thing to do.

Mr Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): I want to take the right hon. Lady back to her earlier remarks about a bad deal, no deal or failure. She said several things about the WTO. Just for clarity, how does she see the WTO? If the UK does not get a deal and ends up on WTO terms, will she see that as a failure by the UK Government?

Anna Soubry: I want to abandon this language of failure and success, and I say, with great respect to the hon. Gentleman, that I am not going to be playing that game.

I want us to come together and to get the best deal, and in the even that we do not get a deal, I want to make sure that this place absolutely gets that say and that vote. On that basis, I will continue to listen to the debate, but I have to say that I am minded to vote in favour of this amendment and make that clear not for any design to cause trouble or anything else, but to stand up for what is right for all my constituents.

Yvette Cooper: I commend the right hon. Member for Broxtowe (Anna Soubry) for her speech, much of which I agreed with. Like her, I voted to trigger article 50 on

[Yvette Cooper]

Second Reading because I think we should respect the referendum result, but like her, I campaigned for us to remain. I also agree that we have a responsibility across Parliament to get the best possible Brexit deal, and that we should all be involved in the process because so much has yet to be decided about the kind of deal we will get and the terms on which we will leave the EU. That is why I support new clauses 1, 99 and 110.

5.15 pm

Everyone has agreed today that a parliamentary vote should be meaningful, but what the Minister has said does not provide any assurance on that. So far, the Government are not prepared to put the Minister's offer in the Bill, and as the right hon. Lady said, if the Government were to change, we would have no reassurance that the vote would happen at the right time or that its outcome would be respected in the right way.

Also, if there is no deal, there will be no vote. That matters, because it would be possible for the Executive, with power concentrated in their hands, to decide to reject a deal from the EU that Parliament might have accepted. The Executive would have the power to decide simply to go down the WTO route rather than going for any of the many alternatives, without giving Parliament a say in the matter. There would be no opportunity for Parliament to say, "Actually, there is a better deal on offer and the Government should be working with the EU to get that deal, which would be in the interest of all our constituents." We should not give the Executive that concentration of power to choose the WTO route without a debate or a vote. There should be a vote on an alternative.

Mr Harper: To be fair to the right hon. Lady, I think she has gone some way towards answering this question. I think she said that if the Government judged that the best available terms were not good—if it was, by the Government's definition, a "bad deal"—she would like them to put that in front of Parliament and ask us to decide whether it was indeed a bad deal. Can she confirm that that is what she is saying?

Yvette Cooper: That would indeed be one way of doing it, with the Government giving Parliament a substantive vote rather than simply heading directly for the WTO alternative without giving us an option.

The second challenge in the Government's approach is that, if there were a deal, the timing of any vote would still make it difficult for Parliament. A vote would take place after the deal had been agreed with the 27 countries and with the Commission, but before it went to the European Parliament. Again, this Parliament would only get a choice between the Executive's deal and the WTO terms, even if we knew that a better or fairer deal was on offer.

I hope that there will be agreement across the House on this point. I hope that the Government will come up with the best possible Brexit deal and that such a deal will have Parliament's strong support and endorsement. If that does not happen, however, and if things unravel along the way, what opportunity will there be for Parliament to have its say and to try to bring things back together?

That brings me back to the timing of the vote. Leaving it to the very end of the process would make that very hard to do.

Stephen Kinnock (Aberavon) (Lab): Does my right hon. Friend agree that the Government could request an extension to the article 50 process if we have not been able to conclude a positive deal? Does she also agree that a request for such an extension would be greatly enhanced and strengthened if it had a mandate from Parliament behind it? That should involve a partnership, with the legislature and the Executive working together to strengthen the national interest vis-à-vis our European partners.

Yvette Cooper: Again, that would certainly be one option. My understanding is that if the European Parliament voted down the deal, it would get the opportunity to say that the negotiations should be extended, but the UK Parliament would currently not get that opportunity. The purpose of the new clause is not to extend the negotiations—we should be trying implement the referendum decision—but if Parliament judges that there is a better offer on the table that would give us a better Brexit deal, we need safeguards to prevent the Government from running hell for leather towards an option that is bad for Britain.

Charlie Elphicke: The right hon. Lady is passionate on this subject. If at the end of the article 50 process—the two-year, winding-down clock—Parliament rejected the deal and nothing happened, we would leave. That would be an undesirable result, so my concern is that binding the Government's hands with these new clauses is not in the country's interests.

Yvette Cooper: I do not think that the new clauses would bind the Government's hands. I agree that there is a concern that we could end up toppling off the edge of the negotiations without having a deal in place, which means that there is an incentive for all of us in Parliament to want a deal to be in place for Brexit, for future trade arrangements and for the transitional arrangements. Given how the Government have set out the arrangements, however, my concern is that there is no incentive for the Executive to try to get a deal that Parliament can support. If the Executive can simply go down the WTO route and reject alternatives without Parliament having any say, they will not have the right incentives to get the best possible deal.

John Redwood: Does the right hon. Lady agree that practically everyone in the House and in the Government would like tariff-free trade on the same basis as we have today? We entirely agree on that. The only issue is with what we can do individually and together to make it more likely that the other 27 member states will agree, because they will make that decision.

Yvette Cooper: I actually do agree with the right hon. Gentleman. We do want tariff-free trade, but he and I will probably differ on the customs union, for example. There would be huge advantages in staying in the customs union, but that does not affect the decisions that we might make on free movement or other aspects of the single market. I know that he would like us to be outside the customs union, but that may be a crunch question

for the deal. The Executive might reject alternative options or better deals on matters such as the customs union on their own rather than give Parliament the opportunity to have its say.

Some of this comes down to timing. I accept that there is an article 50 timescale of two years and that it will be for the EU to decide what happens at the end if no deal is in place, but that also matters for the timing of the vote. At the moment, based on what the Minister said earlier, the vote will come at the very end of the process and could end up being at the end of the two years. The strength of new clause 110 is that it would require the vote to be held before the deal went to the European Commission, the European Council or the European Parliament. The advantage of that is that we would have a parliamentary debate and a vote earlier in the process, and that if there were no agreement, there would still be the opportunity for further negotiations and debates before we reached the article 50 cliff edge.

Mr Grieve: I hesitate to say this, but the House sometimes fails to realise its own powers. If it becomes clear during the course of the two years of negotiations that the Government are rejecting a negotiating opportunity that the House thinks is better than the one they are pursuing, there is nothing to prevent the House from asserting its authority in order to make the Government change direction; it is a question of whether we have the will to do it. The problem with the right hon. Lady's point is that if we were right up against the wire, it could tip the Government into losing an agreement and there would be nothing to replace it.

Yvette Cooper: Were that the case, it would be Parliament's responsibility to behave with the common sense that the right hon. and learned Gentleman advocated earlier. I would trust Parliament to have common sense and not push Britain towards an unnecessary cliff edge in those circumstances. That is not what Parliament wants to do. It has already shown that it wants to respect the decision that was made in the referendum, which is important, but it also wants to get the best deal for Britain and will be pragmatic about the options at that time.

The right hon. and learned Gentleman suggests that there might be an alternative way for Parliament to exercise its sovereignty, but what might that be in practice? We could have a Backbench Business Committee motion or an Opposition day motion that the Government could then ignore. We could have a no confidence motion, but that would not be the appropriate response when we should be considering the alternatives in order to get a better deal out of the negotiations.

If the right hon. and learned Gentleman were to come up with an alternative way for Parliament to exercise its sovereignty that I have not thought of, there might be an alternative to a vote today. If we want legislation that ensures that there is recourse to Parliament on these important issues, which will affect us for so many years to come, the right thing to do is to get something in the Bill.

Charlie Elphicke: Will the right hon. Lady give way?

Yvette Cooper: I will make some progress, because other Members want to speak.

There are many ways in which the Government could provide recourse to Parliament. They could table a manuscript amendment that simply puts into practice what they have said today, which would be immensely helpful and might provide the reassurance that many hon. Members need.

New clause 99 would mean that withdrawal would have to be through an Act of Parliament. On such a serious matter, there is a strong case for decisions to be made through Acts of Parliament—that would happen on other similarly weighty matters. To be honest, much of what new clause 110 would do would simply be to include in the Bill what the Minister has already said he will do. However, it would provide reassurance, with the added benefit of clarity that there will be a vote if there is no deal and we go down the WTO route. Also, the vote would be earlier in the process, which would give Parliament the opportunity to have a say before we get to the final crunch at the end of the negotiations.

The honest truth is that new clause 110 is not that radical. It would simply put into practice and embed in legislation the things that some Government Members have said they would like to achieve, so why do we not simply include it in the Bill so that we have that reassurance? Ultimately, there is a reason why all of this is important. Both sides in the referendum debate talked about parliamentary sovereignty, and with that comes parliamentary responsibility. We have already shown that responsibility by deciding to respect the result of the referendum on Second Reading, but with that comes the responsibility to recognise that we have to get the best possible Brexit deal for our whole country, rather than just walking away from the process of debating the deal. If we end up walking away, power will be concentrated in the hands of the Executive. I have never supported such concentrations of power, and every one of us should be part of making sure that we get the best possible Brexit deal.

Mr Dominic Raab (Esher and Walton) (Con): It is a pleasure to follow the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) and my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve).

I agree with the principle that Parliament should vote on the final deal. I argued for that during the referendum, and I certainly have not changed my mind. On top of that, as people talk about Parliament being stripped of its role, it is worth pointing out that any domestic implementing legislation as a result of any deals reached at international level will, of course, require parliamentary approval in the usual way. The legal effects of Brexit at home will be dealt with through enactment of legislation in advance of the ratification of the international treaties.

On the international element, it is useful to distinguish between two key components of the diplomacy: the terms of exit and the terms of any new relationship agreement on trade, security and the other areas of co-operation that we all agree we want to preserve. With that in mind, I welcome again the White Paper and the Lancaster House speech that, as we talk about all the process and procedure, set out a positive vision for Britain, post-Brexit, as a self-governing democracy, a strong European neighbour and a global leader on free trade.

Paul Farrelly: Will the hon. Gentleman give way?

Mr Raab: I will make a little progress because other Members want to speak and we are quite far advanced in this debate.

I confess that, as a former Foreign Office lawyer who spent six years advising on both EU law and treaty interpretation, I find article 50 palpably clear on the surface. It disapples the EU treaties two years after article 50 is triggered. The language is mandatory as a matter of treaty law, so if Parliament refuses to approve the terms of any exit agreement, the UK drops out without one.

Before there is general hysteria across the House, including among Government Members, let me say that there is a general principle of customary international law, which is also true of common law, that where there is a general rule, there can be exceptions, but those must be interpreted narrowly. There are exceptions on this. There is an exception if the EU unanimously agrees to extend the period under article 50(3). If we look at the clear language used, we can see that it is conceivable to imagine that happening only in very exceptional circumstances—if at all—for a limited period and in relation to the exit terms. That is what the provision says. The agreement on our post-Brexit relationship with the EU could be prolonged as long as both sides wish, but that will not delay the exit, and it is extremely doubtful that article 50(3) could be used to delay departure on those grounds. That means many of the amendments we are considering are, in practice, unlawful, as well as unwise.

5.30 pm

Robert Neill: My hon. Friend is providing a careful and interesting analysis, but is not the crux of the matter this: if at the end of the day there is no deal and we are forced to leave, perhaps on WTO terms, which many of us believe will be deeply damaging, it will be a scandal if this House does not have the chance to have a say on it? It will be a betrayal. Those who might not support new clause 110 today hope that perhaps the Lords will look more carefully at this, as, for many of us, the Government are on very borrowed time.

Mr Raab: I pay tribute to my hon. Friend the Chair of the Justice Committee and I agree that there should be a vote. The challenge is that I have not really heard anyone explain an alternative negotiation strategy to the one advanced by the Government, other than staying indefinitely in some limbo within the EU. That would create more uncertainty for business and greater frustration for the public, and it would devastate, paralyse and eviscerate our negotiating hand.

Paul Farrelly *rose*—

Mr Raab: I am going to make a little progress, to be fair to other hon. Members.

There is a second exception, and it is not true to say that triggering article 50 is irreversible. It can be reversed but, as I explained earlier, we would have to follow the specific exception envisaged in article 50(5), which offers a means to reverse the process of departure: we leave and then apply to rejoin. That is the clear language in article 50, which of course is binding as a matter of UK law. It was a previous Labour Government, with

Liberal Democrat support, who signed us up not only to the Lisbon treaty, but explicitly to the fetters we now face. That is why I suffer a little when I hear some of the railing against the difficult legal confines the Government find themselves in not just as a matter of their own policy, but as a matter of law.

Paul Farrelly *rose*—

Mr Raab: I will not give way, as I am going to make some progress.

The choice on the final deal is clear: the British Parliament can veto the exit agreement and/or the terms of the new relationship agreement, but in that case Britain would leave the EU without agreeing terms. On the new relationship agreement, the UK Government would of course be free to revert for further negotiations, but that could not delay or stop Brexit from happening under the terms of article 50. Those facts will rightly and understandably focus our minds, as they are doing here today, and with a sense of trepidation. They will also focus minds—this is why it was crafted in the way it was—on the other side of the channel, among our European friends. So, on the assumption that it would take at least 18 months to agree all the terms of any new relationship agreement, the idea that Parliament voting down any deal would send the UK back to a further round of meaningful negotiations, before Britain formally leaves, is at odds with the procedure in the Lisbon treaty, and I find it neither feasible nor credible.

Mr Andrew Tyrie (Chichester) (Con): My hon. Friend mentioned article 50(3), which does provide for transitional arrangements. It provides for a country to negotiate for the same arrangements to continue indefinitely until a subsequent date is provided at the end of the negotiating process for their implementation. Does he not agree that that should create a window for exactly the circumstances that he is so concerned about?

Mr Raab: My right hon. Friend is right in what he says, but if he reads article 50(3), he will see that it is explicitly referring to the withdrawal component of the diplomacy. But he is also right to say that there is scope for transitional arrangements or phased implementation to deal with some of the so-called “cliff edge” concerns that hon. Members are rightly worried about.

Claire Perry *rose*—

Mr Raab: I am going to make a bit of progress, to be fair to other Members.

In fairness to the previous Government, the ostensible aim of article 50 was to facilitate certainty, to focus the minds of the negotiating parties and to avoid withdrawal leaving a lingering shadow over not only the EU—although that was probably foremost in its consideration—but the departing nation. Many of the amendments and new clauses we are considering are counterproductive precisely because in seeking to fetter the Government in the negotiations they would weaken our flexibility and negotiating position and, critically, make the risk of no deal more likely. Members who support the amendments and new clauses must face up to the fact that they are courting the very scenario that they and we say we so dearly seek to avoid.

For my part, I could not countenance voting for attempts to put the negotiating aims in binding legislation and give them statutory force, because that would set the Government up to face a blizzard of legal challenges on the final deal. That would be deeply irresponsible because, whether unintentionally or otherwise, it would seem to me to amount to poison-pill tactics.

Paul Farrelly: Does the hon. Gentleman agree that the Prime Minister's approach so far, in pandering not to those who want immigration reduced to the tens of thousands but to the nones-of-thousands lobby, risks our approaching the scenario he just outlined? That approach is nonsensical, because we need immigration, whether the people are crop-pickers or gene splicers. There are deals to be done and the Prime Minister needs to admit it.

Mr Raab: I thank the hon. Gentleman for his intervention, but say gently to him that between open-door immigration and closed-door immigration there seems to me to be quite wide scope for sensible reciprocal arrangements that allow us to retain control over the volume of immigration and things such as residency and welfare requirements, and to make sure that the people who come here are self-sufficient and that we have the security checks and deportation powers we need. I am not sure that he and I disagree on that. Between cutting off all immigration and having open-door immigration, there is enormous scope for some sensible diplomacy.

I turn specifically to the amendments and new clauses. The Government's assurances ought to be enough to satisfy those who might be tempted by new clauses 1, 18 or 99. The Government have rightly promised to give Parliament a vote on the final deal, and I pay tribute to the shadow Minister, the hon. and learned Member for Holborn and St Pancras (Keir Starmer), who approached that matter in a sensible, sober and responsible way.

The other cluster of new clauses that have attracted attention are new clauses 19, 54 and 137, which would require that a parliamentary vote against the deal would send the UK Government back to renegotiate with the EU. As someone who has negotiated treaties—mainly bilateral treaties, but some multilateral—I can entirely understand why that is attractive. The truth is that if Parliament does not agree the exit terms, it is theoretically possible that the UK Government could revert to meaningful negotiations with the EU, if the draft agreement is concluded within around a year or, exceptionally, if the EU agreed a short extension. In practice, that is utterly inconceivable. It is total fantasy. Why would the EU give us better divorce terms just because Parliament did not like them? In reality, we would not even get the extension or better terms, and would leave without an agreement.

If Parliament does not approve the agreement on the new relationship, there is no express provision for the extension of negotiations and no clear basis for withdrawal to be delayed. We would exit on two years, but could revert back to revived negotiations on the future relationship. As my right hon. Friend the Member for Chichester (Mr Tyrie) pointed out, the question of whether implementation would be phased and of transitional arrangements would become far more salient. Besides

those legal considerations, any delay to the timetable would inject an additional dose of uncertainty into the entire process, which would be bad for business and frustrating for the public, and which would harm rather than reinforce our negotiating position.

New clause 28, which deals with parliamentary approval before the European Parliament has its say, has been dealt with by the reassurances given by the Minister, which I certainly welcome. I am not convinced by new clauses 110 or 182, on parliamentary approval happening before the Commission concludes the new relationship agreement, because we would not know the date on which it would approve such an agreement and could not know the terms of the deal until it had done so. That reinforces in my mind the concern that exists about Members who, in good faith, are trying to dictate what will inevitably be a fluid diplomatic process through the entirely inappropriate vehicle of binding legislation. That cannot hope to cater for all the potential eventualities that we need to be ready to adapt to as a matter of multilateral diplomacy.

Finally, let me turn to amendment 43, which has been tabled by the Liberal Democrats and the hon. Member for Westmorland and Lonsdale (Tim Farron) in particular. In a competitive field, this is certainly the clear winner for the worst amendment that has been tabled. It is probably illegal because there is no scope for a departing member, which has triggered article 50, to reverse its decision. That is clear from article 50(5).

The amendment is clearly designed to reverse Brexit, despite Members passing the 2015 referendum legislation by six to one on the very clear understanding that we would respect the result. The amendment is probably beyond undemocratic and illegal; it is just plain tricky. It was open to any Member to table amendments and then to stipulate that there would be a second referendum—why not have the best of three?—to give the British people a chance to do the hokey cokey. However, there is a very clear reason why no one tabled such an amendment: the public would have shuddered at the prospect. No one proposed such an amendment and we did not hold the referendum on that basis.

I support a final vote on the deal, and welcome the fact that the Government are striving to reassure all Members about the Bill, but this House should be under no illusion that such a vote cannot and would not frustrate the verdict of the people. In fairness, I think that most Members from all parts of the House recognise that. Many amendments on which we are deliberating in this group are legally flawed. Above all, these new clauses would attempt to tie up the Government in procedural knots at the crucial moment in the two years of Brexit negotiations. The public expect all of us to be focused on securing the very best deal for the whole country and not, either intentionally or inadvertently, to be laying elephant traps that can only make striving for that deal harder. For that reason, I hope that the Committee will vote down all the amendments and new clauses this evening.

Several hon. Members *rose*—

The Temporary Chair (Mr George Howarth): Order. There are four hon. Members who still want to contribute and who have given their names to amendments. However, the Government are likely to come back at 6 o'clock.

[Mr George Howarth (in the Chair)]

If everyone takes less than five minutes, I might be able to squeeze in at least four more speakers. It is a gentle reminder; there is no time limit. I call David Lammy.

Mr Lammy: I will try to be brief.

I am now entering my 17th year in the House. In that time, it is usual to strike up relationships across the House. I want to make a confession: I have a relationship with the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith)—I am sorry that he is not in his place—who has the unusual honour of also being a fan of Tottenham Hotspur. There have been occasions when we have been at White Hart Lane together, talking about his favourite subject: the sovereignty of this Parliament and the European Union. There have been occasions when my eyes have glazed over, because I do not see the issue in the same way.

In the past few months, as I have grown increasingly depressed about the direction of travel on which we are now set, I have looked for a silver lining. The silver lining is, of course that, in the 17 years that I have been an MP, we have been in the European Union—effectively, we had decided to pool some of our sovereignty with Europe, which meant that I had less power. Well, the power is now coming back, and, as a result of all the work of the right hon. Gentleman, the hon. Member for Stone (Sir William Cash) and others, I will be a powerful Member of Parliament. Yet we are now in a situation, in this important time, in which we need that sovereignty, and the very same people who were asking for it now stand up to argue that we should put that power somewhere else.

Many hon. Members who have been Back Benches for some years argue that we should put the power with the Executive, and that the Prime Minister and her Cabinet should make all the huge decisions about our economy and direction of travel. They argue, perversely, that the power should solely be with the 27 other countries of the European Union, and that they should determine our direction alongside the European Commission, the Council and, ultimately, the European Parliament—power everywhere else except here. And who will suffer as a consequence of this Parliament not acting? Our constituents. That is why this is not the time to play party politics and why I was happy to vote against my party last week. This is absolutely the time to stand up for our constituents.

5.45 pm

We must scrutinise the Executive during the very detailed negotiations. We hear, “We’ll strike a deal within two years.” Well, it took Greenland three years to leave the old European Economic Community; and that was Greenland, fighting over fish. It will not take us just two years. As has been said, we must get a say on the terms of our withdrawal, but the matters of our new trading relationships must also come back to this place. If we do not get an agreement, it must be a decision on which we must speak long before.

If we were to exit without a proper deal, this great country would be in the bizarre situation of having no trading relations with the rest of the world, which is a situation we will not have been in since some time before King Henry VIII and the beginning of empire—

ridiculous. It would be madness. World Trade Organisation rules? Insane. Of course power must rest here, which is why I have put my name to a number of new clauses and why I stand with my hon. Friend the Member for Nottingham East (Chris Leslie), who tabled new clause 110. We must give this place power or we will regret it hugely.

Claire Perry: I find myself in rather a strange place because it is very difficult for somebody in my position to countenance voting for an Opposition amendment. I have always respected the pragmatism and politics behind most decisions, but I have always had a sneaking admiration for colleagues who flouted the Government Whip with impunity, which was not, of course, what I told them when I was in the Whips Office. I heard in so many cases that their decision was a point of principle. Indeed, the Secretary of State for Brexit was among the most principled politicians in the last Parliament, rebelling dozens of times.

To me, this is very much a point of principle, and three principles have exercised me and many colleagues. The first is the thorny question of what parliamentary sovereignty means. Far be it from me to take exception with that very learned gentleman, my hon. Friend the Member for Esher and Walton (Mr Raab), but my understanding is that article 50 was effectively drafted on the back of a fag packet by negotiators, specifically at the request of UK participants in the treaty, on the expectation that it would never be triggered; such a situation was inconceivable. Therefore, it seems not inconceivable to set out what we believe our sovereign parliamentary process should be against that rather poorly drafted aspect of the treaty.

So many leave campaigners told me that they were campaigning to restore our sovereignty. That sovereignty has now been confirmed by the Supreme Court. It is absolutely right that we have had confirmation today that Parliament will have a vote on the terms of the deal. The timing of that vote is crucial. It will not be a done deal that is then brought back to us. There will be an opportunity to influence, shape, negotiate and do what we have done so well over the past four days—days, by the way, that we were not intended to have. We have had the opportunity to get into the nitty-gritty of what it means to trigger article 50, and what a vote would look like. I, for one, feel far better informed than I did at the start of the process. This is exactly what we are sent here to do.

Heidi Allen (South Cambridgeshire) (Con): I agree with my hon. Friend about Parliament’s vital role in scrutinising the Bill. For me, it is about the only way that we will bring the 48% with us, because they are feeling very left behind at the moment. In practical terms, how can we achieve that scrutiny? If the deal is not good enough, what can we actually do to change it?

Claire Perry: We can probe, we can ask questions, and we can bring our collective knowledge and wisdom, of which there is an enormous amount on these Benches, and our understanding of what alternatives there might be. If there is no alternative, or there is no process, then at least we know that, but we have bought today, with the concession given by the Minister, an option that was not on the table at the start of this process and, when you are negotiating in an uncertain environment, optionality is hugely valuable.

My second point of principle, which I referenced earlier, relates to equivalence. If we look at the negotiation for exit, it is bizarre that while the European Parliament has a number of go/no-go decision points where it effectively has a right of veto, we have been scared to give the same to this Parliament. That does not sit well with me as somebody who wants to stand up for this sovereign Parliament; it is a very perverse thing, and I am glad we are trying to correct it.

The third point of principle relates to representation. I am still mystified that there are those who think they should be scared of Parliament. How many more votes do we need to have to demonstrate the overwhelming support in this place for executing the will of the British people? They gave us a mandate, and we are not going to replay the arguments. We have a mandate, and we know we need to get on with this. We have now had two votes suggesting that right hon. and hon. Members on both sides of the House—possibly with the exception of those from north of the border—accept the view of the Union. We should not be scared of bringing these things to Parliament.

Ultimately, are we not here to represent our constituents? We do not want a second referendum, and I completely agree with my neighbour, my hon. Friend the Member for Newbury (Richard Benyon), that it would be absurd to go back. However, we are the next best thing: we are the opportunity to bring up what our constituents are saying, and many of them still have lots of questions about what this process looks like. We can put those questions to each other and to Ministers, and we can represent our constituents. The principle of representation is absolutely vital.

I have to say that the tone of these debates—we have heard a little of this today, although things are starting to calm down—sometimes borders on the hysterical. I feel sometimes that I am sitting with colleagues who are like jihadis in their support for a hard Brexit. No Brexit is hard enough—“Begone you evil Europeans. We never want you to darken our doors again!” [*Interruption.*] People say, “Steady on, Claire,” but I am afraid I heard speeches last week making exactly that point. The point is that the more we get these things out in the open, the more we will not be led by some of the more hysterical tabloid newspapers out there, but actually have an open and frank conversation with each other about what we want to do better.

On the issues of scrutiny, representation and parliamentary sovereignty, I am very interested in the proposals made by the Opposition. I am pleased to say I have heard some very substantial concessions today on the timing and the detail, although there is an equivocality about the ending, which still does not sit well with me. While it might not be the Government’s and the Prime Minister’s intention to bring forward a bad deal, we still have not allowed ourselves to put that to the test. So before I decide which way to vote, I am going to listen very carefully to what the Minister has to say. I am hoping to get his assurance that, if there is no deal, that can be put within the bounds of what I think should happen, which is a parliamentary decision on this vital step for our country.

Mr McFadden: There are two issues at the heart of today’s debate, which is about the role of Parliament in judging the final deal. The first issue is the timing of

any such vote, and the second is how to make that vote meaningful. I want to speak to new clause 137, which is in my name and those of my hon. and right hon. Friends.

A significant part of the argument for leaving the European Union was about restoring parliamentary sovereignty so that this House could take decisions about the country’s future, yet attempts to assert that sovereignty have been constantly dismissed as undermining the Government, if not the country. The cry over and over again has been, “Blank cheque, blank cheque, blank cheque.” We should not give a blank cheque; there is a legitimate role for us.

The new clause seeks to do two things: first, to enshrine in the legislation the Prime Minister’s promise of a parliamentary vote on a final deal; and, secondly, to assert what can happen if Parliament declines to approve the final deal.

The Government have set out their aims in the White Paper and in other statements. The White Paper defines the Government’s aim as

“the freest possible trade in goods and services between the UK and the EU.”

The Secretary of State for Brexit said that this would be

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

That is the test the Government have set themselves. I wish them well in ensuring that we do get the exact same benefits as we have.

This new clause does not seek to tie the Government’s hands in the negotiations. It does not seek to influence the content; it focuses on what happens if Parliament declines to approve the final deal. The choice that we do not want to be presented with, I am afraid, is the one that the Minister set out at the beginning, which is defining as success whatever the Government negotiate or falling back on the WTO. I do not want to go through the WTO rules in detail, but let me give just one example: a 10% tariff on car exports. Take the Nissan Qashqai, proudly made in the north-east of England. That tariff would mean a surcharge of over £2,000 on each car made in the north-east, compared with a competitor vehicle made in a plant in the European Union, or even another Nissan model made in the EU. On food and drink, the tariffs are 20%, and on some agricultural products they are even higher. That is before one even gets to the weakness of enforcement mechanisms within the WTO, where businesses cannot even take enforcement cases and only Governments can do so.

The Government themselves say that they do not want this option. They set out 12 points in their White Paper, the 12th of which says that they want

“a smooth, mutually beneficial exit”.

Paragraph 12.2 says:

“It is...in no one’s interests for there to be a cliff-edge for business or a threat to stability...Instead, we want to have reached an agreement about our future partnership by the time the two year Article 50 process has concluded.”

This new clause empowers Parliament to avoid the very outcome that the Government themselves say in the White Paper that they want to avoid. For that reason, it is not, as too many Members have asserted, some attempt to undermine the Government. We should be using the power of Parliament to influence these negotiations.

[Mr McFadden]

Let me deal with the “five minutes to midnight” point made by the right hon. and learned Member for Beaconsfield (Mr Grieve). It is hardly unknown for the European Union to schedule another round of talks—it happens very frequently. In these circumstances, we would be entirely within our rights to strengthen our Government’s hand by saying, “Go back and renegotiate on this point or that point.”

Mr Grieve: I do not disagree with the right hon. Gentleman, but I want to emphasise this point. All sorts of things are possible—the Commission and the Council may decide to extend the period of negotiation—but we have to look at the legal implications of what we pass into law by amendments. If the new clause is prescriptive in a way that could allow the problem to occur that has been identified—dropping off because one has lost time and cannot come back to this House—we cannot just ignore that. We have to find a way round it or accept the assurances that the Government give.

Mr McFadden: The new clause is very simple on this point. It asks that in those circumstances the Government will seek to negotiate an alternative agreement. That is perfectly reasonable.

Sir Oliver Letwin: Will the right hon. Gentleman give way?

Mr McFadden: I do not have much time so I am going to conclude.

The point of all of this is to avoid the choice between being told that we have to define as success, on the first account of it, whatever the Government have managed to negotiate, or default to the WTO. To be honest, a concession on timing that does not allow us to ask the Government to go back and negotiate a better agreement is simply holding a gun to Parliament’s head a few months earlier than would otherwise have been the case. This new clause is about taking all the claims made for decades about parliamentary sovereignty and making them real, rather than giving us a choice between deal or no deal, take it or leave it, my way or the highway. Frankly, Parliament and the country deserve better than that.

Mr Tyrie *rose*—

The Second Deputy Chairman of Ways and Means (Natascha Engel): Order. I am happy to call the right hon. Gentleman if he can speak for only two or three minutes.

6 pm

Mr Tyrie: I will limit my contribution to a couple of minutes and confine it to a few questions for the Minister. The concession that he gave at the start is significant; the question is: how significant? What did he mean when he said that the Government “will bring forward a motion on the final agreement”? He must mean the proposed agreement. I noticed that he changed the wording to “final draft agreement”. Is he talking about the draft agreement, or a final agreement, at a point at which it is too late to change it?

Secondly, the Minister says that he expects and intends that this place will get a say before the European Parliament. In what circumstances is it practically possible for us

not to have that if the Government want us to have it? Thirdly, will he answer the equivalence point that has been made by my hon. Friend the Member for Devizes (Claire Perry)? We must be able to have at least as much say as the European Parliament.

Fourthly, will the Minister clarify that the WTO cliff-edge issue needs to be subsumed into the issue of transitional arrangements? If the Government put the need to negotiate transitional arrangements as their No. 1 priority and they succeed at least in getting a deal on that, that deal can trigger article 50(3) to enable an extended period of further discussion, should all other aspects of the deal fail. Does he accept that that is a reasonable and sensible approach to take the debate forward? If he does, I might consider not voting against the Government, as I am minded, uncharacteristically, to do. I will listen carefully to what he has to say.

The Second Deputy Chairman of Ways and Means (Natascha Engel): I call Mr David Jones.

Mr David Jones: Thank you very much indeed, Ms Engel, for giving me a second bite of the cherry.

May I deal first with the points made by my right hon. Friend the Member for Chichester (Mr Tyrie), the Chair of the Treasury Committee? He asked direct questions that had been raised during the debate. I thought that I had answered them with some clarity, but I am happy to clarify further. First, he asked what this honourable House would be asked to approve. It would be the final agreed draft of the agreement before it was submitted to the European Parliament. He mentioned that we had indicated that we expected and intended that that would happen before the European Parliament debated the agreement. The reason why that formulation is used is that what the Commission does with the information it sends to the European Parliament is out of our hands. Although we would do our very best to ensure that the House voted first, we cannot control what the Commission does.

My right hon. Friend raised the issue of equivalence. Of course, the difference is that the European Parliament has a role prescribed for it in article 50, but this House does not. In practical terms, I suggest that a vote of this House would be a matter of significance. Finally, he raised transitional arrangements, which have been mentioned by a number of hon. Members. As the Prime Minister has already made clear, it is our intention, if necessary, to look to a period of implementation for whatever arrangement we arrive at with the European Union.

Mr Kenneth Clarke: Will my right hon. Friend give way?

Mr Jones: I will, briefly.

Mr Clarke: I will be brief, for a change. My right hon. Friend has confirmed that the vote will be put to Parliament after the deal has been done with the Commission and the Council. It is therefore a done deal, and the European Parliament and this House can either take it or leave it. The alternative is the WTO. Will he confirm that that is exactly what was offered in the White Paper a few days ago?

Mr Jones: What we have sought to do today is to provide clarity, and I hope that, through my previous contribution and now, I am providing that clarity. It would

indeed be the final draft agreement that we would contemplate being put before the House.

As I was saying, this has been an important debate and the quality of the contributions has been extremely high. As my right hon. Friend the Member for Broxtowe (Anna Soubry) said, we have to remember that this will be the most important negotiation that this country has entered into for at least half a century. It is therefore entirely right that the House should play an important part in the process of the negotiation of the agreement.

I have heard the words “rubber stamp” being used, but that is far from what the Government have in mind. We have every intention that, throughout the process of negotiation, the House will be kept fully informed, consistent with the need to ensure that confidentiality is maintained. I do not think that anyone would regard that as an unreasonable way forward. My right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) highlighted the need for reporting, and the Government intend to do that.

I should like to speak about a number of other measures that I have not dealt with previously, but which have attracted attention in the debate. New clause 18 would specify that any new treaty with the EU should not be ratified except with the express approval of Parliament. I can only repeat the commitment that I have made several times this afternoon at the Dispatch Box: there will be a vote on the final deal.

John Redwood: Many of us welcome the progress that has been made and my right hon. Friend’s assurances. It is clear from what he has said that there will be every opportunity for debate, discussion, questions and votes, as is proper in this House.

Mr Jones: That is absolutely right. The suggestion that the Government would not keep the House informed is really unworthy, given that we have been scrupulous in doing so thus far.

New clause 110 is similar to new clause 18, but it also specifies that any new relationship would be subject to approval by a resolution of Parliament. I believe that the measure is unnecessary. It asks for a vote of each House on a new treaty or any new agreement reached with the EU, but I repeat again that there will be a vote on the final draft treaty and any other agreement. In any event, as my hon. Friend the Member for Esher and Walton (Mr Raab) pointed out, it calls for a vote before terms are agreed, leaving it open to the Commission to change its mind or position without any apparent recourse for this place.

Seema Malhotra *rose*—

Mr Jones: I will not give way as I have very little time.

New clause 137 would require the Government to seek to negotiate a new agreement with the EU if Parliament rejects a deal. Again, I reject the measure. Although we are confident that we will achieve a deal acceptable to Parliament, if Parliament were to reject that deal, it would be a sure sign of weakness, as I have said, to return to the EU and ask for other terms. We would be likely to achieve only a worse deal. Furthermore, there is no obligation on the EU to continue negotiating with us beyond the two-year period specified in article 50.

New clause 175 would effectively require the Government to request that we remain a member of the EU if the terms were not approved by Parliament. Frankly, to do so would be to betray the outcome of the referendum, and the Government are not prepared to accept that. I must make it absolutely clear that the Government want Parliament to be engaged throughout this process.

Clive Efford (Eltham) (Lab): Will the Minister confirm that the Government’s position is to diminish the status of this House compared with that of the European Parliament in respect of having oversight of this process?

Mr Jones: That is absolutely ludicrous. The European Parliament’s role comes at the end of the process; it has oversight to the extent that it rubber-stamps the agreement or not.

New clauses 18 and 19 would require any new treaties agreed with the EU to be subject to the ratification of Parliament. We have always said that we will observe the constitutional and legal obligations that apply to the final deal, and that remains the case. As we have confirmed, the final agreement will be subject to a vote of this House before it is concluded.

Seema Malhotra: Will the Minister give way?

Mr Jones: For the very last time.

Seema Malhotra: Will the Minister abide by the recommendation in the report of the Exiting the European Union Committee that when the Government bring the deal to Parliament, they should have regard to the requirement that Parliament has adequate time to consider any statement before the proposed terms are put to each House for approval?

Mr Jones: We will, of course, consider all the recommendations of the Select Committee and respond formally to its report in due course.

We approach the negotiations not expecting failure, but anticipating success. Let me remind Members that we are seeking in the Bill to do one simple, straightforward thing: to follow the instructions we received from the British people in the referendum. Remaining a member of the European Union is not an option. The process for leaving the EU is set out in article 50, and it is not within our power unilaterally to extend the negotiations.

New clause 99 envisages yet another Act of Parliament to approve the arrangements for our withdrawal and our future relationship with the EU. It would require yet another Act of Parliament for us to withdraw from the EU in the absence of a negotiated deal. The new clause is wholly otiose. While we are ready for any outcome, an exit without a trade agreement is emphatically not what we seek. However, let me be clear that keeping open the prospect of staying in the EU, as is envisaged by new clause 99, would only encourage the EU to give us the worst possible deal in the hope that we would change our mind.

Amendment 43 calls for a referendum on our membership of the European Union after we have negotiated a final deal. That was tabled by the Liberal Democrats.

This has been an important debate. We have considered the new clauses and amendments very carefully but, for all the reasons I have given, we reject them and invite Members not to press them to a Division.

Keir Starmer: I have listened carefully to the debate. There are inevitable problems with an 11th-hour concession, and there have been claims and counter-claims about the nature of the concession made. Whatever No. 10 may or may not be briefing, until today there was never a commitment to a vote on both the article 50 deal and the future agreement with the EU; there was never a commitment to a vote, before the agreement was concluded, on a final agreed draft—it is simply rewriting history to suggest that there was—and there was never a commitment to a vote in this House that is intended and expected to take place before the vote of the European Parliament. Those three things have never been said before, and I have gone through all the records before making that assertion. For anybody to suggest that this is not a significant concession is to be blind to these developments.

I recognise that that leaves a number of unanswered questions, most importantly about the consequences and precise timing of the vote. As the right hon. and learned Member for Beaconsfield (Mr Grieve) says, to some extent we just do not know. From the various work I have done in Brussels, it is quite clear that the plan there is to have a deal that is capable of being put to the European Parliament in October 2018. That should be the ambition, because if a deal were put to this House in October 2018, there would be a number of consequences for the House to consider. I accept that there are questions. It is important that others reflect on the concessions that have been made and consider what kind of amendment might capture them.

In the circumstances, I will not press new clause 1 to a Division in the hope—although this is not my decision—that it will allow space for other new clauses to be put to the vote. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 110

FUTURE RELATIONSHIP WITH THE EUROPEAN UNION

“(1) Following the exercise of the power in section 1, any new Treaty or relationship with the European Union must not be concluded unless the proposed terms have been subject to approval by resolution of each House of Parliament.

(2) In the case of any new Treaty or relationship with the European Union, the proposed terms must be approved by resolution of each House of Parliament before they are agreed with the European Commission, with a view to their approval by the European Parliament or the European Council.”—(*Chris Leslie.*)

This new clause seeks to ensure that Parliament must give approval to any new deal or Treaty following the negotiations in respect of the triggering of Article 50(2), and that any new Treaty or relationship must be approved by Parliament in advance of final agreement with the European Commission, European Parliament or European Council.

Brought up, and read the First time.

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

The Committee divided: Ayes 293, Noes 326.

Division No. 141]

[6.14 pm

AYES

Abbott, Ms Diane	Allen, Mr Graham
Abrahams, Debbie	Allen, Heidi
Ahmed-Sheikh, Ms Tasmina	Allin-Khan, Dr Rosena
Alexander, Heidi	Anderson, Mr David
Ali, Rushanara	Arkless, Richard

Ashworth, Jonathan	Eagle, Ms Angela
Austin, Ian	Eagle, Maria
Bailey, Mr Adrian	Edwards, Jonathan
Bardell, Hannah	Efford, Clive
Barron, rh Sir Kevin	Elliott, Julie
Beckett, rh Margaret	Elliott, Tom
Benn, rh Hilary	Ellman, Mrs Louise
Berger, Luciana	Elmore, Chris
Betts, Mr Clive	Esterson, Bill
Black, Mhairi	Evans, Chris
Blackford, Ian	Farrelly, Paul
Blackman, Kirsty	Farron, Tim
Blackman-Woods, Dr Roberta	Fellows, Marion
Blenkinsop, Tom	Ferrier, Margaret
Blomfield, Paul	Fitzpatrick, Jim
Boswell, Philip	Fleelo, Robert
Brabin, Tracy	Fletcher, Colleen
Bradshaw, rh Mr Ben	Flint, rh Caroline
Brake, rh Tom	Flynn, Paul
Brennan, Kevin	Fovargue, Yvonne
Brock, Deidre	Foxcroft, Vicky
Brown, Alan	Furniss, Gill
Brown, Lyn	Gapes, Mike
Brown, rh Mr Nicholas	Gardiner, Barry
Bryant, Chris	Gethins, Stephen
Buck, Ms Karen	Gibson, Patricia
Burden, Richard	Glindon, Mary
Burgon, Richard	Goodman, Helen
Burnham, rh Andy	Grady, Patrick
Butler, Dawn	Grant, Peter
Byrne, rh Liam	Gray, Neil
Cadbury, Ruth	Green, Kate
Cameron, Dr Lisa	Greenwood, Lilian
Campbell, rh Mr Alan	Greenwood, Margaret
Carmichael, rh Mr Alistair	Griffith, Nia
Champion, Sarah	Gwynne, Andrew
Chapman, Douglas	Haigh, Louise
Chapman, Jenny	Hamilton, Fabian
Cherry, Joanna	Hanson, rh Mr David
Clarke, rh Mr Kenneth	Harman, rh Ms Harriet
Clegg, rh Mr Nick	Harris, Carolyn
Clwyd, rh Ann	Hayes, Helen
Coaker, Vernon	Hayman, Sue
Coffey, Ann	Healey, rh John
Cooper, Rosie	Hendrick, Mr Mark
Cooper, rh Yvette	Hendry, Drew
Corbyn, rh Jeremy	Hepburn, Mr Stephen
Cowan, Ronnie	Hermon, Lady
Coyle, Neil	Hillier, Meg
Crausby, Sir David	Hodgson, Mrs Sharon
Crawley, Angela	Hollern, Kate
Creagh, Mary	Hosie, Stewart
Creasy, Stella	Huq, Dr Rupa
Cruddas, Jon	Hussain, Imran
Cryer, John	Jarvis, Dan
Cummins, Judith	Johnson, rh Alan
Cunningham, Alex	Johnson, Diana
Cunningham, Mr Jim	Jones, Gerald
Dakin, Nic	Jones, Graham
Danczuk, Simon	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	Kinahan, Danny
Dowd, Peter	Kinnock, Stephen
Dromey, Jack	Kyle, Peter
Dugher, Michael	Lamb, rh Norman
Durkan, Mark	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
MacNeil, Mr Angus Brendan
Mactaggart, rh Fiona
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
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
Morris, Grahame M.
Mulholland, Greg
Mullin, Roger
Murray, Ian
Nandy, Lisa
Neill, Robert
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
Perry, Claire
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
Sandbach, Antoinette
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, Angela
Smith, Cat
Smith, Nick
Smith, Owen
Smyth, Karin
Soubry, rh Anna
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
Tyrie, rh Mr Andrew
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

Adams, Nigel
Afriyie, Adam
Aldous, Peter
Allan, Lucy
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
Boles, Nick
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
Campbell, Mr Ronnie
Carmichael, Neil
Carswell, Mr Douglas
Cartledge, 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
Colvile, 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
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 Frank
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
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
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
Heappey, 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
Huddleston, Nigel
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jackson, Mr Stewart
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenkyne, 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
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
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
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel

Milton, rh Anne
Mitchell, rh Mr Andrew
Mordaunt, Penny
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mowat, David
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Newton, Sarah
Nokes, Caroline
Norman, Jesse
Nuttall, Mr David
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Mike
Penrose, John
Percy, Andrew
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
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
Spelman, rh Dame Caroline
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Streeter, Mr Gary
Stride, Mel
Stringer, Graham
Stuart, rh Ms Gisela
Stuart, Graham
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
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:
Heather Wheeler and
Andrew Griffiths

Question accordingly negated.

6.29 pm

More than four hours having elapsed since the commencement of proceedings, the proceedings were interrupted (Programme Order, 1 February).

The Chair put forthwith the Question necessary for the disposal of the business to be concluded at that time (Standing Order No. 83D).

New Clause 180

UK—EU MEMBERSHIP: RESET (No. 2)

The Prime Minister may not exercise the power under section 1(1) until she has sought an undertaking from the European Council that failure by the Parliament of the United Kingdom to approve the terms of exit for the UK will result in the maintenance of UK membership on existing terms.”—(*Alex Salmond.*)

Brought up.

Question put, That the clause be added to the Bill.

The Committee divided: Ayes 88, Noes 336.

Division No. 142]

[6.29 pm

AYES

Ahmed-Sheikh, Ms Tasmina	Coyle, Neil
Alexander, Heidi	Crawley, Angela
Ali, Rushanara	Creagh, Mary
Arkless, Richard	Day, Martyn
Bardell, Hannah	Docherty-Hughes, Martin
Black, Mhairi	Donaldson, Stuart Blair
Blackford, Ian	Doughty, Stephen
Blackman, Kirsty	Durkan, Mark
Boswell, Philip	Edwards, Jonathan
Bradshaw, rh Mr Ben	Farrelly, Paul
Brake, rh Tom	Farron, Tim
Brock, Deidre	Ferrier, Margaret
Brown, Alan	Gapes, Mike
Cameron, Dr Lisa	Gethins, Stephen
Carmichael, rh Mr Alistair	Gibson, Patricia
Chapman, Douglas	Grady, Patrick
Cherry, Joanna	Grant, Peter
Clegg, rh Mr Nick	Gray, Neil
Coffey, Ann	Hayes, Helen
Cowan, Ronnie	Hendry, Drew

Hermon, Lady
Hosie, Stewart
Kerevan, George
Kerr, Calum
Lamb, rh Norman
Lammy, rh Mr David
Law, Chris
Lucas, Caroline
MacNeil, Mr Angus Brendan
Maskell, Rachael
Mc Nally, John
McCaig, Callum
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, Dr Alasdair
McGarry, Natalie
McLaughlin, Anne
Monaghan, Carol
Monaghan, Dr Paul
Moon, Mrs Madeleine
Mullin, Roger
Murray, Ian
Newlands, Gavin
Nicolson, John
O'Hara, Brendan
Olney, Sarah

Oswald, Kirsten
Owen, Albert
Paterson, Steven
Pugh, John
Ritchie, Ms Margaret
Robertson, rh Angus
Salmond, rh Alex
Saville Roberts, Liz
Sheppard, Tommy
Siddiq, Tulip
Smith, Owen
Stephens, Chris
Stevens, Jo
Thewliss, Alison
Thomson, Michelle
Vaz, rh Keith
Weir, Mike
Whiteford, Dr Eilidh
Whitford, Dr Philippa
Williams, Hywel
Williams, Mr Mark
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
Boles, Nick
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
Campbell, Mr Ronnie
Carmichael, Neil
Carswell, Mr Douglas
Cartledge, 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 Frank
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
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
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
Heappey, 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
Kaczynski, 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
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
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Mordaunt, Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mowat, David
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew

Neill, Robert
 Newton, Sarah
 Nokes, Caroline
 Norman, Jesse
 Nuttall, Mr David
 Offord, Dr Matthew
 Opperman, Guy
 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
 Spencer, Mark
 Stephenson, Andrew

Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Streeter, Mr Gary
 Stride, Mel
 Stringer, Graham
 Stuart, rh Ms Gisela
 Stuart, Graham
 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
 Tyrie, rh 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
 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:
Heather Wheeler and
Andrew Griffiths

Question accordingly negatived.

New Clause 5

IMPACT ASSESSMENTS

“(1) The Prime Minister may not give notice under section 1 until either—

- (a) HM Treasury has published any impact assessment it has conducted since 23 June 2016 on the United Kingdom’s future trading relationship with the European Union, or,
- (b) HM Treasury has laid a statement before both Houses of Parliament declaring that no such assessment has been conducted since 23 June 2016.”—(*Matthew Pennycook.*)

This new clause requires the Government to publish any recently conducted Treasury impact assessments of different trading models with the European Union.

Brought up, and read the First time.

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

The Temporary Chair (Sir Roger Gale): With this it will be convenient to discuss the following:

New clause 42—Equality—impact assessment—

Before exercising the power under section 1, the Prime Minister must undertake that she will publish an equality impact assessment, 18 months after this Act receives Royal Assent or prior to a vote on the negotiations in the European Parliament, whichever is sooner.”

This new clause requires the Prime Minister to publish an equality impact assessment in good time before Parliament votes on the final agreement.

New clause 43—Customs Union—impact assessment—

“(1) Before exercising the power under section 1, the Prime Minister must undertake that she will publish an impact assessment of the effect of leaving the Customs Union on the United Kingdom.

(2) The impact assessment in subsection (1) shall be laid before Parliament 18 months after this Act receives Royal Assent or prior to a vote on the negotiations in the European Parliament, whichever is sooner.”

This new clause requires the Prime Minister to publish an impact assessment of leaving the Customs Union (independently of decisions on the Single Market) in good time before Parliament votes on the final agreement.

New clause 44—Supply Chains—impact assessment—

Before exercising the power under section 1, the Prime Minister must undertake that she will publish an impact assessment of the risks to supply chains presented by the introduction of non-tariff custom barriers, 18 months after this Act receives Royal Assent or prior to a vote on the negotiations in the European Parliament, whichever is the sooner.”

This new clause requires the Prime Minister to publish an impact assessment on the risk to supply chains from any new non-tariff barriers in good time before Parliament votes on the final agreement.

New clause 45—Environmental protection—impact assessment—

Before exercising the power under section 1, the Prime Minister must undertake that she will publish an impact assessment of the effect on—

- (a) environmental protection standards,
- (b) farm business viability,
- (c) animal welfare standards,
- (d) food security, and
- (e) food safety

18 months after this Act receives Royal Assent or prior to a vote on the negotiations in the European Parliament, whichever is the sooner.”

This new clause requires the Prime Minister to publish an impact assessment on environmental standards, farm viability and food safety in good time before Parliament votes on the final agreement.

New clause 46—Climate change—impact assessment—

Before exercising the power under section 1, the Prime Minister must undertake that she will publish an impact assessment of the value of participation in the EU Emissions Trading Scheme and the Single Energy Market in achieving our climate change commitments, 18 months after this Act receives Royal Assent or prior to a vote on the negotiations in the European Parliament, whichever is the sooner.”

This new clause requires the Prime Minister to publish an impact assessment on climate change objectives and the contribution of the Emissions Trading System and the energy market to meeting these in good time before Parliament votes on the final agreement.

New clause 47—Research and Development collaboration—impact assessment—

Before exercising the power under section 1, the Prime Minister must undertake that she will publish an impact assessment of the effect of—

- (a) leaving Horizon 2020, and
- (b) setting up alternative arrangements for international collaboration on research and development by universities and other institutions

18 months after this Act receives Royal Assent or prior to a vote on the negotiations in the European Parliament, whichever is the sooner.”

This new clause requires the Prime Minister to publish an impact assessment on leaving Horizon 2020 and alternative Research and Development collaborations in good time before Parliament votes on the final agreement.

New clause 48—Agencies—impact assessment—

‘(1) Before exercising the power under section 1, the Prime Minister must undertake that she will publish impact assessments of—

- (a) rescinding membership of the agencies listed in subsection (2), and
 - (b) setting up national arrangements in place of the agencies listed in subsection (2).
- (2) Subsection (1) applies to the—
- (a) Agency for the Cooperation of Energy Regulators (ACER),
 - (b) Office of the Body of European Regulators for Electronic Communications (BEREC Office),
 - (c) Community Plant Variety Office (CPVO),
 - (d) European Border and Coast Guard Agency (Frontex),
 - (e) European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA),
 - (f) European Asylum Support Office (EASO),
 - (g) European Aviation Safety Agency (EASA),
 - (h) European Banking Authority (EBA),
 - (i) European Centre for Disease Prevention and Control (ECDC),
 - (j) European Chemicals Agency (ECHA),
 - (k) European Environment Agency (EEA),
 - (l) European Fisheries Control Agency (EFCA),
 - (m) European Insurance and Occupational Pensions Authority (EIOPA),
 - (n) European Maritime Safety Agency (EMSA),
 - (o) European Medicines Agency (EMA),
 - (p) European Monitoring Centre for Drugs and Drug Addiction (EMCDDA),
 - (q) European Union Agency for Network and Information Security (ENISA),
 - (r) European Police Office (Europol),
 - (s) European Union Agency for Railways (ERA),
 - (t) European Securities and Markets Authority (ESMA), and
 - (u) European Union Intellectual Property Office (EUIPO).

(3) The impact assessments in subsection (1) shall be laid before Parliament 18 months after this Act receives Royal Assent or prior to a vote on the negotiations in the European Parliament, whichever is the sooner.”

The effect of this would be to require the Government to publish impact assessments for each agency to determine whether value for money for consumers, businesses and taxpayers would be achieved by leaving each one and setting up national arrangements.

New clause 49—Impact assessment: withdrawal from single market and Customs Union—

Before giving notice under section 1(1), of her intention to notify under Article 50(2) of the Treaty on European Union, the United Kingdom’s intention to withdraw from the EU, the Prime Minister shall lay before both Houses of Parliament a detailed assessment of the anticipated impact of the decision to withdraw from the Single Market and Customs Union of the EU 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 EU 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 98—Protected characteristics—Equality Impact Assessments—

‘(1) 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 the impact of any new relationship with the European Union on protected characteristics, as set out in the Equality Act 2010.

(2) Any report the Government lays before Parliament on the progress of the withdrawal negotiation must be accompanied by an Equality Impact Assessment.

(3) Neither House of Parliament may approve by resolution any new relationship with the European Union unless an Equality Impact Assessment has been laid before both Houses of Parliament.”

This new clause would place specific duties on the Government to demonstrate compliance with the 2010 Equality Act, ensuring that the impact of decisions on women and those with protected characteristics are considered and debated at every stage of the process.

New clause 101—Environment—Environmental Impact Assessment—

Before issuing any notification under Article 50(2) of the Treaty on European Union, the Prime Minister shall give an undertaking to lay before each House of Parliament a full Environmental Impact Statement on the terms of the agreement reached with the European Union on the UK’s withdrawal from the EU.”

New clause 102—Economic Divergence—Impact Assessment—

Before issuing any notification under Article 50(2) of the Treaty on European Union, the Prime Minister shall give an undertaking to lay before each House of Parliament an impact assessment of the costs to businesses and the environment as a result of divergence in regulations between the UK and countries in the EU single market, once the UK has withdrawn from the EU.”

New clause 103—EU Customs Union and the European single market—Impact Assessment—

‘(1) Before issuing any notification under Article 50(2) of the Treaty on European Union, the Prime Minister shall give an undertaking to lay before each House of Parliament an impact assessment on the UK of leaving the EU Customs Union and the European single market.

(2) The impact assessment shall include the following information for each sector of the economy—

- (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 effect of non-tariff custom barriers 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;
- (c) changes in the rules of origin regulations and the administrative burdens for business.”

New clause 106—*Withdrawal from Free Movement of persons—Impact Assessment—*

‘(1) Before issuing any notification under Article 50(2) of the Treaty on European Union, the Prime Minister shall give an undertaking to lay before each House of Parliament an impact assessment of withdrawal from Directive 2004/38/EC (free movement of persons).

(2) The impact assessment shall include the impact on withdrawal for each sector of the economy and include effects of—

- (a) labour shortages,
- (b) changes in costs of labour,
- (c) administrative burdens for employers,
- (d) effects on the cost base for companies; and
- (e) effect on consumers.”

New clause 107—*Employment Training needs—Impact Assessment—*

‘(1) Before issuing any notification under Article 50(2) of the Treaty on European Union, the Prime Minister shall give an undertaking to lay before each House of Parliament an impact assessment of the skills training needed to supply the necessary skills needed for the UK economy after the UK leaves the European Union.

(2) The impact assessment should detail—

- (a) the resources needed to meet the needs of training needs of the UK post commencement of leaving the European Union; and
- (b) how government will work with UK companies to train future employees and upskill employees post commencement of leaving the European Union in the context of changes in UK immigration policy.”

New clause 143—*Financial liability of the UK towards the EU—*

The Prime Minister may not exercise the power under section 1 until the Chancellor of the Exchequer has—

- (a) published an assessment of the financial liability of the UK towards the EU following the United Kingdom’s withdrawal from the European Union, and
- (b) made a statement to the House of Commons on the economic impact of the United Kingdom leaving the single market.”

New clause 152—*Natural Environment—impact assessment—*

Before exercising the power under section 1, the Prime Minister must lay before both Houses of Parliament an impact assessment covering the impact of leaving—

- (a) the European Union, and
- (b) the Single Market

on the natural environment, including the marine environment, until 2042.”

This new clause would require the Government to set out the impact on the natural environment of leaving the European Union and leaving the Single Market on the natural environment covering the expected duration of the Government’s 25-year plan for the environment.

New clause 153—*Chemicals Regulation—impact assessment—*

Before exercising the power under section 1, the Prime Minister must lay before both Houses of Parliament an impact assessment covering the impact of leaving—

- (a) the European Union, and
- (b) the Single Market

on the assessment and regulation of chemicals for safety and environmental protection.”

New clause 154—*Rural Economy and Environment—impact assessment—*

‘(1) Before exercising the power under section 1, the Prime Minister must lay before both Houses of Parliament an impact assessment covering the impact of leaving—

- (a) the European Union,
- (b) the Single Market, and
- (c) the Customs Union

on the rural economy and environment.

(2) An impact assessment laid under subsection (1) shall in particular cover the impact on—

- (a) tariff and non-tariff barriers to export,
- (b) farm incomes and viability,
- (c) environmental, food safety and animal welfare standards, and
- (d) international competitiveness of UK farms.”

New clause 155—*Land Management Payments—impact assessment—*

‘(1) Before exercising the power under section 1, the Prime Minister must lay before both Houses of Parliament an impact assessment covering the impact of leaving—

- (a) the European Union,
- (b) the Common Agricultural Policy, and
- (c) the Single Market

on land management and rural development payments.

(2) An impact assessment laid under subsection (1) shall in particular cover the impact on—

- (a) funding for environmental protection,
- (b) funding for rural development, and
- (c) farm incomes and viability.”

New clause 167—*Rights and opportunities of young people—impact assessment—*

‘(1) Before exercising the power under section 1, the Prime Minister must undertake to publish an assessment of the effect of leaving the European Union on the rights and opportunities of people aged under 25 in the United Kingdom, including—

- (a) the effect on the ability to work and travel visa-free in the EU,
- (b) the effect on the ability to study in other EU member states on the same terms as on the day on which Royal Assent is given to this Act, and
- (c) the effect on the ability to participate in EU programmes designed to provide opportunities to young people, including programmes to facilitate studying in other EU member states.

(2) The impact assessment in subsection (1) shall be laid before Parliament before—

- (a) 12 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 undertake an impact assessment of the effect of leaving the EU on the rights and opportunities of young UK nationals and how they will differ from their European counterparts.

New clause 187—Euratom—impact assessment—

'(1) Before exercising the power under section 1, the Prime Minister must commit to publish an impact assessment of the United Kingdom withdrawing from the European Atomic Energy Community (Euratom) on the nuclear industry within the United Kingdom.

(2) The impact assessment should include, but not be limited to, the impact on—

- (a) nuclear research;
- (b) health and safety in the nuclear industry; and
- (c) employment in the nuclear industry.

(3) The impact assessment shall be published either 18 months after this Act receives Royal Assent or before a vote in the European Parliament on the withdrawal deal agreed between the European Union and the United Kingdom, whichever is the sooner."

This new clause requires the Prime Minister to publish an impact assessment on the effect on the UK's nuclear industry should the UK withdraw from Euratom.

Amendment 3, in clause 1, page 1, line 2, at beginning insert—

"If a report has been laid before both Houses of Parliament setting out the estimated impact on the public finances of the UK withdrawing from the European Single Market,"

This amendment ensures that prior to any notification of the Prime Minister's intention to notify the United Kingdom's withdrawal from the EU, a report shall be published setting out the anticipated implications of exiting from the Single Market

Amendment 24, page 1, line 3, at end insert—

"after Her Majesty's Government has published a report on the implications, costs and benefits for Gibraltar."

Amendment 25, page 1, line 3, at end insert—

"after Her Majesty's Government has published a report on the implications of and costs and benefits for the British Overseas Territories."

Amendment 26, page 1, line 3, at end insert—

"after Her Majesty's Government has published a report on the implications of and costs and benefits for the Crown Dependencies."

Amendment 27, page 1, line 3, at end insert—

"after Her Majesty's Government has published a report on the implications of and costs and benefits for the Commonwealth."

Amendment 28, page 1, line 3, at end insert—

"after Her Majesty's Government has published a report on the implications of and costs and benefits for European Foreign and Defence Policy Co-operation."

Amendment 47, page 1, line 3, at end insert—

'(1A) The Prime Minister may not notify under subsection (1) until the Chancellor of the Exchequer has published an assessment on the financial liability of the United Kingdom towards the EU on completion of the Article 50 withdrawal process, and laid a copy of the assessment before Parliament."

Amendment 48, page 1, line 3, at end insert—

'(1A) The Prime Minister may not notify under subsection (1) until the Chancellor of Exchequer has published a revised Treasury forecast on the state of the economy, and laid a copy of the report before Parliament."

Amendment 49, page 1, line 3, at end insert—

'(1A) The Prime Minister may not notify under subsection (1) until the Secretary of State for Environment, Food and Rural Affairs has published an assessment of the level of agricultural maintenance support grants beyond 2020, and laid a copy of the assessment before Parliament."

Amendment 51, page 1, line 3, at end insert—

'(1A) The Prime Minister may not notify under subsection (1) unless a Minister of the Crown has published an assessment on the impact of the United Kingdom's withdrawal from the EU on Scottish sea ports, and laid a copy of the assessment before Parliament."

Amendment 52, page 1, line 3, at end insert—

'(1A) The Prime Minister may not notify under subsection (1) until the Chancellor of the Exchequer has published an assessment of the financial implications of leaving the European Union for charities, and laid a copy of the assessment before Parliament."

Amendment 53, page 1, line 3, at end insert—

'(1A) The Prime Minister may not notify under subsection (1) until a Minister of the Crown has published a report on the relationship between the Channel Islands and the European Union with regard to the 1972 Act of Accession Protocol No 3, and laid a copy of the report before Parliament."

Amendment 57, page 1, line 3, at end insert—

'(1A) The Prime Minister may not notify under subsection (1) until a Minister of the Crown has published a revised Strategic Defence and Security Review, and laid a copy of the review before Parliament."

Amendment 58, page 1, line 3, at end insert—

'(1A) The Prime Minister may not notify under subsection (1) until a Minister of the Crown has published an assessment on the impact of the United Kingdom's withdrawal from the European Development Fund, and laid a copy of the assessment before Parliament."

Amendment 59, page 1, line 3, at end insert—

'(1A) The Prime Minister may not notify under subsection (1) until the Chancellor of the Exchequer has published a report giving a medium-term economic forecast in the event of the United Kingdom leaving the single market, and laid a copy of the report before Parliament."

Amendment 61, page 1, line 3, at end insert—

'(1A) The Prime Minister may not notify under subsection (1) until a Minister of the Crown has published a revised National Security Strategy, and laid a copy of the review before Parliament."

Amendment 62, page 1, line 3, at end insert—

'(1A) The Prime Minister may not notify under subsection (1) until the Chancellor of the Exchequer has published an assessment of future payments to the EU after the Prime Minister makes the notification."

Amendment 64, page 1, line 3, at end insert—

'(1A) The Prime Minister may not notify under subsection (1) until the Secretary of State for Education has published an assessment on the impact of the United Kingdom's withdrawal from the EU on the department's responsibilities, and laid a copy of the assessment before Parliament."

Amendment 65, page 1, line 3, at end insert—

'(1A) The Prime Minister may not notify under subsection (1) until the Secretary of State for Health has published an assessment on the impact of the United Kingdom's withdrawal from the EU on the department's responsibilities, and laid a copy of the assessment before Parliament."

Amendment 66, page 1, line 3, at end insert—

'(1A) The Prime Minister may not notify under subsection (1) until the Secretary of State for Environment, Food and Rural Affairs has published an assessment on the impact of the United Kingdom's withdrawal from the EU on the department's responsibilities, and laid a copy of the assessment before Parliament."

Amendment 67, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) until the Secretary of State for Justice has published an assessment on the impact of the United Kingdom’s withdrawal from the EU on the department’s responsibilities, and laid a copy of the assessment before Parliament.”

Amendment 68, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) until the Home Secretary has published an assessment on the impact of the United Kingdom’s withdrawal from the EU on the department’s responsibilities, and laid a copy of the assessment before Parliament.”

Amendment 69, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) until the Secretary of State for Defence has published an assessment on the impact of the United Kingdom’s withdrawal from the EU on the department’s responsibilities, and laid a copy of the assessment before Parliament.”

Amendment 70, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) until the Chancellor of the Exchequer has published an assessment on the impact of the United Kingdom’s withdrawal from the EU on the responsibilities of Her Majesty’s Treasury, and laid a copy of the assessment before Parliament.”

Amendment 71, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) until the Foreign Secretary has published an assessment on the impact of the UK withdrawing from the EU on the responsibilities of the Foreign and Commonwealth Office, and laid a copy of the assessment before Parliament.”

Amendment 72, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) until the Secretary of State for Work and Pensions has published an assessment on the impact of the United Kingdom’s withdrawal from the EU on the department’s responsibilities, and laid a copy of the assessment before Parliament.”

Amendment 73, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) until the Secretary of State for International Trade has published an assessment on the impact of the United Kingdom’s withdrawal from the EU on the department’s responsibilities, and laid a copy of the assessment before Parliament.”

Amendment 74, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) until the Secretary of State for Business, Energy and Industrial Strategy has published an assessment on the impact of the United Kingdom’s withdrawal from the EU on the department’s responsibilities, and laid a copy of the assessment before Parliament.”

Amendment 75, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) until the Secretary of State for Communities and Local Government has published an assessment on the impact of the United Kingdom’s withdrawal from the EU on the department’s responsibilities, and laid a copy of the assessment before Parliament.”

Amendment 76, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) until the Secretary of State for International Development has published an assessment on the impact of the United Kingdom’s withdrawal from the EU on the department’s responsibilities, and laid a copy of the assessment before Parliament.”

Amendment 77, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) until the Secretary of State for Culture, Media and Sport has published an assessment on the impact of the United Kingdom’s withdrawal from the EU on the department’s responsibilities, and laid a copy of the assessment before Parliament.”

Amendment 79, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) until the Chancellor of the Exchequer has published a report on matters relating to the pensions of UK nationals living and working in the European Union on the date that the United Kingdom withdraws from the EU.”

Amendment 80, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) until a Minister of the Crown has published an equality impact assessment on the United Kingdom’s withdrawal from the EU, and laid a copy of the report before Parliament.”

Amendment 82, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) until a Minister of the Crown has published regional and national economic impact assessments on the impact of the United Kingdom’s withdrawal from the EU.”

Amendment 11, page 1, line 5, at end insert—

“(3) Before exercising the power under subsection (1), the Prime Minister must prepare and publish a report on the effect of the United Kingdom’s withdrawal from the EU on national finances, including the impact on health spending.

This amendment calls for the Government to publish a report on the effect of EU withdrawal on the national finances, particularly health spending following claims in the referendum campaign that EU withdrawal would allow an additional £350 million per week to be spent on the National Health Service.

Amendment 39, 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 review of the independence and effectiveness of the current environmental regulators, including a detailed assessment of their capacity to effectively implement and enforce EU-derived environmental legislation upon withdrawal from the European Union.”

This amendment would ensure that UK environmental regulators and enforcement agencies —namely the Environment Agency, Natural England and the Department for Environment, Food and Rural Affairs — are adequately funded and authorised to effectively perform the regulatory functions currently undertaken by institutions of the European Union.

New clause 17—*EU Assets and Liabilities*—

Within 30 days of the coming into force of this Act the Secretary of State shall publish a full account of the assets and liabilities held by Her Majesty’s Government in respect of the UK’s relationship with the European Union.”

This new clause would ensure that the Government publishes an account of the assets and liabilities held by Her Majesty’s Government in respect of our relationship with the European Union.

New clause 31—*Regions of England—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 particular reference to the impacts on the regions of England.”

New clause 41—*Public spending implications*—

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 the impact on public spending.”

New clause 138—*Trade Agreements*—

The Prime Minister may not exercise the power under section 1 until a Minister of the Crown has published a report on the number and terms of trade agreements outlined with countries outside of the European Union, and laid a copy of the report before Parliament.”

Matthew Pennycook: In addition to speaking to new clause 5, I intend to speak briefly to amendment 11 and new clause 98. The Bill is straightforward, but, as many hon. Members have said, it will set in train a process that will have profound implications for our country and for each of our constituents. Despite the Government's resisting new clause 3 yesterday and, in so doing, setting their face against giving Parliament an active role in scrutinising and influencing the negotiation process, the House will still need to hold the Government to account in the months and years ahead. If we are to discharge that duty effectively, we will require adequate information and robust analysis. As things stand, we do not have that.

When it comes to the crucial issue of the impact of different trading models on our economy, the Government's White Paper falls far short of what is required to ensure that we are able to have informed discussions and debates in this place. Indeed, it offers little beyond assurances that the Government will prioritise securing the freest and most frictionless trade possible in goods and services. The House and, more importantly, businesses across the country that stand to be affected deserve to be made aware of the Government's evaluation of the likely impact of different future trading relations. The Government can provide them with that evaluation without revealing their negotiating hand by publishing any impact assessments that have been undertaken by Her Majesty's Treasury. That is the purpose of new clause 5.

6.45 pm

In its intent, new clause 5 is similar to amendment 11, tabled by my hon. Friend the Member for Streatham (Mr Umunna), which concerns the impact of withdrawal on the public finances. I hope that he gets the chance to speak to his amendment because the public will not quickly forget the £350 million in additional investment that Vote Leave promised to the NHS. He will rightly continue to insist that the Government deliver on that promise.

Returning to new clause 5, we know that the analysis that we want published exists. Ministers have made it clear, both from the Dispatch box and in response to specific parliamentary questions, that the Government are conducting a broad range of analyses at macroeconomic and sectoral levels to understand the impact of leaving the EU on all aspects of the UK. If I recall rightly, the Secretary of State said last week that 58 sectors are now being analysed. We are not asking the Government to do anything new, so I hope that the new clause is not interpreted as a mechanism to delay or frustrate the triggering of article 50. If Ministers maintain that no impact assessments have been finalised, new clause 5 seeks to ensure that the Secretary of State reports as much to both Houses.

Jonathan Edwards: Does the hon. Gentleman expect any Treasury modelling to concur with that of the Institute for Fiscal Studies, which says that EEA membership is far preferable for the economic growth of the British state than a free trade agreement?

Matthew Pennycook: The honest answer is that we do not know. As I will come on to mention, other organisations are doing this analysis. There is not a vacuum out there, and the Government could quite easily publish their analysis to help inform the debate.

I hope that the Minister does not simply echo those who have argued and will argue that publishing any information would undermine the Government's negotiating strategy. We heard that argument prior to the Government conceding a speech and a White Paper, and we will no doubt hear it in the months ahead. I say to hon. Members who take that view, whether out of genuine concern or simply because they in effect want the legislature to shut up shop for the next 18 months, that the detailed analysis of the kind that we are asking to be published is out there. Other organisations are doing it—not just the Government.

Charlie Elphicke: I am listening to the hon. Gentleman with care. As I understand it, new clause 5 seeks to make the triggering of article 50 conditional on an impact assessment being laid before the House. However, the triggering of article 50 should be conditional on a vote of the British people, which took place last year. This is simply an attempt to delay.

Matthew Pennycook: To be fair, I dealt with that earlier in my remarks when I said that the new clause is not an attempt to delay because we know that the Government have already carried out impact assessments. The idea that no impact assessments will be published throughout the course of the negotiations is farcical. We could have them up front, which would help to inform debate.

Ms Angela Eagle: Does my hon. Friend agree that if we had official Treasury impact assessments, rather than those done by people who are guessing, we would be able to have a proper debate about the kind of Brexit that is best for our country in difficult and rapidly changing times?

Matthew Pennycook: My hon. Friend expresses the new clause's intent perfectly, and I agree with her 100%.

Reputable and well-regarded organisations such as the National Institute of Economic and Social Research and the IFS have published detailed analysis of the cost and benefits of future trading relations with the EU, as have other less reputable organisations. The quality of analysis that the Government and the Treasury are able to produce will match, if not surpass, that analysis, and hon. Members should be able to access it. More importantly, businesses across the country need to be able to see it, so that they can adequately plan for their futures.

Dr Andrew Murrison (South West Wiltshire) (Con): The hon. Gentleman has just asserted that the analysis he wants to see will be superior in quality to some of the others that may be available. On what does he base that assertion, given that the people he wants to report on the situation have given us the most extraordinary information? Before the referendum they told us that we were going to be attended by plagues of frogs and locusts and that the sky was going to fall in.

Matthew Pennycook: If the hon. Gentleman is right, I would not like to be one of the Ministers negotiating the agreement with the EU. They will be relying on this information when they come to decide their negotiating priorities.

Mr MacNeil: Will the hon. Gentleman give way?

Matthew Pennycook: I will make a little progress.

Labour Members look forward to hearing the Minister's thoughts. The purpose of new clause 98, in the name of my hon. Friends, is simple. It would ensure that the impact of decisions on women and those with protected characteristics was considered and debated at every stage of the negotiation process. It may have escaped the attention of some hon. Members, but the word "equality" does not appear once in the White Paper. Indeed, the White Paper contains no mention of race, disability, sexuality or gender identity, which is astonishing. How can we secure a Brexit that works for everyone, as hon. Members on both sides of the Committee have repeated ad nauseam, if black, Asian and minority ethnic people, disabled people and lesbian, gay, bisexual and transgender communities are not given due consideration when the different negotiating positions are being weighed up?

The process and the final deal must have regard to equalities and the protection and extension of rights for those with protected characteristics. New clause 98 would ensure that equalities considerations were at the forefront of Government thinking throughout the withdrawal process and inform the final deal. Doing so would help to ensure that we got the best deal for everyone, wherever they were and, crucially, whoever they were. It would ensure that any negative impact on women or those with protected characteristics must be transparently presented and considered, and that if there was a risk of a disproportionate impact, the Government took steps to mitigate it.

New clause 98 is in line with recommendations from the cross-party Women and Equalities Committee, which has called for greater transparency on the impact of Government decisions on women and those with protected characteristics. It would help to improve scrutiny and accountability, and I look forward to the Minister giving it due consideration in his response.

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con): I do not intend to delay the Committee, as most of these amendments are narrow and address the very specific point that the hon. Member for Greenwich and Woolwich (Matthew Pennycook) raised.

I have a simple concern as to why there is such a peculiar sense of the vital importance of these particular forecasts, which give huge credit to the Treasury's ability to forecast where we may be going in almost every sector. As my hon. Friend the Member for South West Wiltshire (Dr Murrison) said, many of the forecasts have been fundamentally wrong in the past, so I asked the Library how accurate the Treasury forecast of May 2016 turned out to be. It is worth relating exactly how accurate it turned out to be, even when the Treasury had such a huge array of figures and possibilities before it:

"In May 2016, the Treasury published forecasts for the immediate economic impact of voting to leave the EU. It forecast for a recession to occur in the second half of 2016, with quarterly GDP growth of -0.1% in both Q3 2016 and Q4 2016 forecast (a second 'severe shock' scenario was also shown with a deep recession occurring; under this scenario growth of -1.0% in Q3 2016 and -0.4% in Q4 2016 was forecast). In reality, the economy continued to grow at its pre-referendum pace, with quarterly growth of +0.6%".

Now the figure has been adjusted again by the Governor of the Bank of England to close to 2%, with the prospect of further adjustments.

Julian Knight (Solihull) (Con): On the quarterly growth statistics, I understand that even knowing what is happening right now is often very difficult for the predicting entities. In fact, I believe they have had the correct numbers four times in 270 quarters.

Mr Duncan Smith: The range of prediction from the Office for Budget Responsibility had nearly a £90 billion margin for error over the previous seven years; that £90 billion went from £50 billion on the plus side to £40 billion on the minus side. The problem we face is the sense that these forecasts give us any strong, real indication of what may happen in the economy. I raise this issue because the new clause and other amendments relevant to it make triggering article 50 contingent; it cannot be done officially until these forecasts are laid. This is not about consulting on them or their being made as a matter of the Government providing information. In other words, the article 50 letter cannot go until these are laid. All they do is inform the debate depending on what the forecasts are. From talking to economists, I am of the general opinion that we have had seven years of growth, and normally within the cycle we would expect to have a flattening at some point after this long period of growth. That would be the normal prospect, but economists will tell us that we are defying the normal prospects. Whether or not we have a natural process of slightly lower growth directly as a result of this longer period of growth, and what happens to the world economy and what is happening in the EU, is almost impossible to forecast with any great accuracy.

My point is that new clause 5 states:

"The Prime Minister may not give notice under section 1 until either HM Treasury has published any impact assessment...HM Treasury has laid a statement before both Houses of Parliament".

With respect, I say to the hon. Member for Greenwich and Woolwich that this is not just a helpful attempt to get information to the House; it is exactly what he said it was not. It is clearly a back-door attempt to make it almost impossible for the Government to get on and trigger article 50. As my hon. Friend the Member for Dover (Charlie Elphicke) said, the referendum verdict was to trigger article 50. The people were not asked, "Shall we trigger article 50 only after we have laid various reports of notables who believe the economy is good, bad or indifferent?" They were asked, "Do you want to leave or do you want to stay?" They chose to leave and we have to get on with it. The idea that the Government are going to go into a negotiation without any idea about what they favour and what they think will, by and large, on the margins, be better for us is ridiculous.

The House must recognise that it is going to be swamped with information of this sort; every forecasting agency is going to be in the game of telling us where we are, and none will be the wiser. Everybody in the House will take the worst or best one, depending on what they want. If the OBR has a margin for error of £90 billion, people can take whatever position they want. But it does not change anything, because we are leaving. The nature of the agreement that we get with the EU, if we get one, is not going to be based on a bunch of forecasts. It will be based on what those negotiating for the EU think is in their general best interest and what we from the UK manage to persuade them is in our mutual best interest. That is what a negotiation is about.

Anybody who has been engaged in negotiation in business will know that you start with your base, bottom line, worst case for you and try to improve upon that, and the other side does the same. This is not going to be about one side saying, “I tell you what my forecast comes to. It tells me we are going to be better off. What does your forecast tell?” and the other side saying, “Ours says we are going to be better off and you will be better off, so which forecast are we going to take?” The battle of forecasts is a ludicrous and pointless exercise.

Helen Goodman: Of course this is not, as the right hon. Gentleman characterises it, going to be a battle of forecasts. But the forecasts are based on the same thing as the assessments people make when they are judging what will or will not be in their interests. They have a mental model, and sometimes those models can be put into mathematical form, and sometimes that is useful. Surely that is precisely what the City of London is doing when it says to the French, Germans and Italians, “You need us more than we need you.”

Mr Duncan Smith: Yes, but the point is that we will be none the wiser. Members might think that a set of forecasts would somehow really inform their view, but after 25 years in the House, I would be astonished if they were right. Debates in this House are rarely really informed; they are mostly based on the judgment of individuals.

7 pm

Michael Gove (Surrey Heath) (Con): My right hon. Friend is making a very impressive case. [*Interruption.*] Given the reaction from the Opposition, I am tempted to quote from “Carry On Up the Khyber”—they don’t like it up ’em! I am sure that, like me, my right hon. Friend was impressed by the candour and honesty of the chief economist of the Bank of England, Mr Andy Haldane, when he pointed out that the economics had had its Michael Fish moment last year, when so many predictions about the dire consequences of Brexit were proven to be wrong within weeks and months. Given the candour of one of the most distinguished economists in this country, should not those who call for impact assessments, attributing certainty to them, show similar humility?

Mr Duncan Smith: I agree, and I am tempted to refer to my predecessor, Lord Tebbit, who said, “When they’re screaming, shouting and laughing, carry on, because you must be in the right place.”

The head of the Office for Budget Responsibility is on the record as saying that in the end, almost all forecasts are wrong—

Pete Wishart: What does he know?

Mr Duncan Smith: Exactly; he was wrong most of the time, so he has a little knowledge of being wrong, as do many in this House. The point is that the new clause is not really about being informed; it is about delay. It is an attempt to be able to say later, “We’re not satisfied with that. It doesn’t quite comply with what we passed in the new clause, so you’re not able to trigger article 50.” The honest truth is that the Government have to go away with their best will and best endeavour and try to arrange to get the best deal they can.

We should look around us and listen to what various politicians in Europe are saying. We keep forgetting that their position is really what will end up setting the kind of arrangement we get. I was interested to read 24 hours ago that the German Finance Minister has changed his position. He has now said that there is no way on earth that the Germans should have any concept of trying to punish the United Kingdom; quite the contrary, he said that they need the City of London to succeed and thrive, because without it they will be poorer. He went on to say that they will therefore absolutely have to come to an arrangement with the United Kingdom, because it is in all of our interests. That is the best forecast we can get, because it is about what people believe is in their mutual best interests.

Mr Mark Francois (Rayleigh and Wickford) (Con): Further to that point, has my right hon. Friend seen the comments from the Bundesverband der Deutschen Industrie, which is the German equivalent of the CBI? It, too, makes the point that there should be no attempt whatsoever to punish the UK for Brexit, because it is aware of the adverse consequences that that would have for German industry.

Mr Duncan Smith: Exactly. It is interesting that it is only since my right hon. Friend the Prime Minister made her excellent speech in which she set out the 12 points that were subsequently fleshed out into a White Paper, and made it clear what the British Government were not going to be asking for—any special pleading about the single market and so on—that we have begun to see engagement from some of those throughout the European Union who have a vested interest in seeing the best deal.

The other day, I had the privilege of engaging with a company in the pre-packaged potato industry that turns over €400 million a year. Although it sells all over the world, 39% of its product is sold to the United Kingdom, and it does very well out of that. Even as we speak, it is grouping together to cajole the relevant Governments and persuade them that the very last thing it wants is to have its business wrecked by some artificial attempt to put up a block to the United Kingdom. These things are already in train, and they are nothing to do with forecasts and all to do with people caring about their futures and jobs.

Sir Desmond Swayne (New Forest West) (Con): I agree entirely with my right hon. Friend, but these new clauses come before any such rational intervention by reasonable business people across Europe. They are based on the fact that Opposition Members genuinely believe in their doomsday forecast, and they are just waiting for it to play out. That is the whole point of delaying the process—it is in the hope that when the sky falls in, the British people will change their minds.

The Temporary Chair (Sir Roger Gale): Order. I am the most mild-mannered and tolerant of men, but interventions are becoming slightly overlong. Interventions, even in Committee, are interventions, not speeches.

Mr Duncan Smith: Thank you, Sir Roger, for that explanatory intervention. May I say to my colleagues that I am still prepared to take interventions should they wish to keep them short?

Julian Knight: We have just spoken about the power and the necessity of the City of London. Does my right hon. Friend realise that the other major capitals, Paris and Frankfurt, do not have the same infrastructure? Frankfurt, for example, has only one foreign language school, and Paris has restricted labour laws.

Mr Duncan Smith: That is an important point, and it plays hugely into the Government's hands. It was the head of financial services in Frankfurt who was over here just before Christmas. When he was interviewed by the BBC, he was asked whether he was over here trying to get people to take up jobs in Frankfurt's financial sector. To the journalist's utter horror, he said yes. The journalist then said, "Therefore that means, presumably, that you think that after Britain leaves the European Union, the City will be finished, and that Frankfurt is looking to take its business." He almost laughed and said, "Oh, no, no, no. We absolutely need the City of London to thrive and prosper, because it is the way that we keep our capital cheap. We cannot replace it, as its business will go somewhere outside Europe." He said that London is the only global city in Europe. The point that he was making was that, although we move around and trade jobs, the expertise and ability to make capital deals lies here in London, and Frankfurt wants to make sure that the United Kingdom Government, the European Commission and the European Council reach an agreement that is beneficial to both sides, with access to the marketplace.

I make no bones about this: I am an optimist. There is nothing in the new clause that would in any way help the Government. Even more importantly, it would not enable the House to reach any kind of measured conclusion, such as letting the Government trigger article 50. I will conclude now unless somebody wants to intervene.

Charlie Elphicke: My right hon. Friend is making a passionate speech. When it comes to forecasts, there is another real-life example that has not yet been mentioned, which is that the independence referendum in Scotland was predicated on the oil price remaining high. Shortly afterwards, the oil price dropped dramatically, which would have left Scotland in dire straits had it voted for independence.

Mr Duncan Smith: I agree. The head of the OBR has said that, in the end, most forecasts are wrong. On that basis, it would not really help the House in any way suddenly to have a Treasury forecast, any more than if we had a multitude of forecasters here saying where they think the economy will go. I do not blame them for being wrong, because there are far too many moveable parts in economies as complex as the United Kingdom or, for that matter, the European Union or even the global economy.

Ultimately, if the Opposition are really honest, these new clauses and amendments are really about making sure that the Government's hands are tied, and slowing down the process in the vague hope that, somehow, people's opinions will change and it will all look too difficult. These forecasts will then allow everyone to go out and say, "Oh my God, this is so terrible. Look what will happen if we do not get this arrangement or that arrangement."

Julian Knight: My right hon. Friend is being generous in accepting interventions. He has just talked about a sort of buyer's regret. As I understand it from my experience on the doorstep, most people just want us to get on with the job. In fact, polling shows that Brexit is slightly more popular now than it was at the time of the referendum.

Mr Duncan Smith: I will not carry on for much longer, but that is exactly the point. All that will happen if we amend the Bill and tie the Government's hands so that they are slow in triggering article 50 is that the British people will get frustrated and angry.

Ms Angela Eagle: What if actually everyone in the House—whether they are Brexiteers or remainers—wants the best deal for the country, and in order to make good decisions and have a good debate, they want to know what analysis the Government are doing of the implications of making particular decisions? Surely that, and not delay, is what this is about.

Mr Duncan Smith: I say to the hon. Lady, for whom I have a huge degree of respect, that if that were the explicit purpose of new clause 5, I would agree with her. The difference is in the line that restricts the Government from invoking article 50 until the matter is laid before the House. That line alone makes it very clear that informing good decisions is not the full intention behind the new clause. If the new clause just said, "We will invoke article 50 and it would be good for the Government to put forward their various predictions and forecasts", I would probably have said, "I don't think the Government would have a problem with that." But that is not what the new clause says. If the hon. Lady reads it, she will realise that it is about delay and prevarication.

Karl McCartney (Lincoln) (Con): I thank my right hon. Friend for giving way right at the end of his speech, to which I have listened intensely. Despite decrying some forecasters, would he like to make a forecast that, at the end of the process, the vast majority of the people in Scotland will welcome Brexit?

Mr Duncan Smith: As I have just condemned pretty much every forecast, I will not make that forecast. I will say that once Scotland gets back to domestic policy, it is almost certain that the Scottish nationalists will be seen for what they are doing: running down education, health and the economy. Let us get back to the real forecast.

I do not wish to sow the seeds of dissension, so I simply say that the new clause and the related amendments, which would put another set of shackles around the Government's hands and stop them getting on with what the British people voted for on 23 June last year, must be rejected, because the Government must seek the best deal they can in line with what is good for the EU and for the United Kingdom.

Mr Umunna: I am pleased to follow the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith). Before I speak to the amendment in my name, which is on a subject that was totally absent from the right hon. Gentleman's contribution, I have to say that I am bemused by what can only be described as a 15-minute diatribe against forecasters and economists—the experts. That is why I was not surprised to see the right hon.

Member for Surrey Heath (Michael Gove) join in with the diatribe. The Opposition have spent the past five or six years listening to these two now former Cabinet Ministers telling us about the importance of listening to independent economic forecasters. They told us how important it was that they set up the Office for Budget Responsibility, which the right hon. Member for Chingford and Woodford Green has just spent the past 15 minutes slagging off.

Sammy Wilson (East Antrim) (DUP): Will the hon. Gentleman give way?

Mr Umunna: I will just make a bit of progress. I will come to the hon. Gentleman in a bit, but I do not want to speak for too long because I know a lot of people wish to speak.

I am bound to say that I wish we were not here. As the right hon. Members for Chingford and Woodford Green and for Surrey Heath know well, because I debated with them a lot during the campaign, I campaigned strongly for us to stay in the European Union. I led the Labour “In for Britain” campaign in Greater London, and played a role in the “Britain Stronger In Europe” campaign nationally. But we lost. As a democrat, I accept that result, which is why I supported the Bill’s Second Reading. Of course, I respect people who interpreted the referendum result differently. Although we all have different views on whether to trigger article 50, we can all agree that while various promises were made by both sides in the referendum campaign, the key pledge of the winning side was that if we leave the European Union, £350 million extra a week will go to the NHS, which is why I tabled amendment 11.

Dominic Cummings, who worked, of course, for the right hon. Member for Surrey Heath and who ran the Vote Leave campaign, said on his blog last month that the £350 million NHS argument was “necessary to win”. He said:

“Would we have won without £350m/NHS? All our research and the close result strongly suggests No.”

Hon. Members can go and read that on his blog. So the importance of that pledge cannot be overestimated. It cannot be detached from the triggering of article 50. It is inextricably linked to why millions of people voted to leave, to our withdrawal from the European Union and, therefore, to this Bill.

Helen Goodman: My hon. Friend is absolutely right. I was at a public meeting in one village where people said, “It’s fantastic that we are leaving the European Union, because we are going to get £350 million a week for the NHS, and the Government will be able to reopen the A&E in Bishop Auckland hospital.”

Mr Umunna: That is right, and there are lots of examples of that throughout the country. That is not surprising, because prominent members of this Government—the Foreign, Environment, International Development, International Trade and Transport Secretaries, who are all members of the current Cabinet—went around the country in that big red bus that said:

“We send the EU £350 million a week. Let’s fund our NHS instead.”

None of them disowned that pledge during the campaign. They also stood by a big sign saying:

“Let’s give our NHS the £350 million the EU takes every week.”

Ms Angela Eagle: Does my hon. Friend agree that that kind of cynical campaigning gives politics and politicians a really bad name? The people who saw the pledge on that big red bus now expect this Government to deliver on that pledge.

Mr Umunna: That is absolutely right. Those Members seek to hide behind the wording and to claim that it was conditional, but they knew exactly what they were doing when they stood in front of that big red bus and that sign: the clear message they intended to convey was that if we leave the European Union, £350 million a week will go to the NHS.

7.15 pm

Mr Charles Walker (Broxbourne) (Con): I have a huge amount of time for the hon. Gentleman, and I like him very much, but seeing as we are swapping stories about town hall meetings, I had a number of people come up to me in town hall meetings, saying, “Mr Walker, we’d love to vote to leave the EU, but the Chancellor has told us that if we do, we’ll lose £4,400, and there will be an emergency Budget.” I do not think it helps this country or this House to rehash the campaign from seven months ago.

Mr Umunna: I am glad the hon. Gentleman raised that point, and I also have a lot of respect for him. However, the point is that I am not trying to re-litigate the referendum campaign but to make sure that the promises these people made are delivered.

We know the NHS needs the extra cash, so it was not unreasonable for people to believe those promises. The Health Committee—people on both sides of the House sit on it—pointed out recently that the deficit in NHS trusts and foundation trusts in 2015-16 was £3.45 billion. We know that Ministers’ claimed increases in NHS funding are being funded by reductions in other areas of health spending that fall outside NHS England’s budgets. We know that reductions in spending on social care are having a serious impact, which is translating into increased A&E attendances, emergency admissions and delays in people leaving hospital. The NHS needs that extra cash, so it was not unreasonable for people who voted to leave the European Union to think that that pledge would be delivered on.

Mr Rees-Mogg: The hon. Gentleman is complaining about a slogan on the side of a bus about giving extra money to the NHS and implying that his amendment gives money to the NHS, but it does not—it merely suggests that there should be a report on the effect of the withdrawal from the EU on national finances, including health service expenditure. He therefore seems to be falling into exactly the same trap as he is accusing others of. Motes and beams come to mind.

Mr Umunna: I do not know about the hon. Gentleman’s mote, but this amendment has been drafted so that it is inoffensive to people like him. Given that it is such a reasonable amendment, I suggest that he simply votes for it.

Mary Creagh (Wakefield) (Lab): Is my hon. Friend aware of Change Britain's latest press release where the £350 million a week has gone up to £450 million a week through its exhortations to scrap such onerous regulations as the motor vehicles regulations, the greenhouse gas emissions reporting regulations, the welfare of animals in transport regulations, and the welfare of farmed animal regulations?

Mr Umunna: That is very interesting. I note that the right hon. Member for Surrey Heath is still in his place. I saw in *The Sun*, no less, in November that he was demanding—demanding!—that the Prime Minister spend a £32 billion Brexit dividend on the NHS, so I hope that he will be supporting our amendment as well.

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): My hon. Friend is making some very important points. It is interesting to hear Conservative Members scoffing and laughing at this. This was not just one of many pledges—it was the key pledge. I am looking at a collection of photographs of all the key proponents of the Vote Leave campaign. It was their No. 1 commitment to this country if it voted to leave the European Union. On that basis, does not this Chamber have a responsibility to honour the pledge on which people voted to leave the EU?

Mr Umunna: I completely agree with my hon. Friend.

For all these reasons I have tabled amendment 11, which, as the hon. Member for North East Somerset (Mr Rees-Mogg) stated, is very reasonable. It requires the Prime Minister to set out how the UK's withdrawal from the EU will impact on the national finances, particularly on health spending. In short, she needs to set out how she is going to make good on that Vote Leave pledge to spend £350 million extra per week on the NHS.

Seema Malhotra: I am very pleased to support my hon. Friend's amendment. Does he agree that this will also be a vital part of the keeping the public's confidence in the process as we go forward over the next two years, not least given the conversations in a focus group I held in my constituency on Sunday where people said that this issue remains topmost in their minds as the reason they voted to leave?

Mr Umunna: Absolutely. This issue is not going to go away. It will be a major part of the general election campaign, whenever the next one comes.

Karl McCartney: Will the hon. Gentleman give way?

Mr Umunna: I will very shortly.

I hope that we will have the opportunity not only to debate this amendment but to vote on it too. It has been signed by more Members than any other amendment. It is supported across parties and of course has the support of the Opposition Front Bench. In the end, in our democracy, it is in this House that Members are held to account for the promises they make and the things they say to the people. What better way to test the resolve of people such as the right hon. Members for Chingford and Woodford Green and for Surrey Heath than for there to be a vote on this issue so that people can see whether they meant what they said?

Mr Jim Cunningham: Another commitment was that they wanted to make Parliament sovereign again, but Government Members are saying today that when we exercise that sovereignty we are being obstructive and using delaying tactics. They cannot have it both ways.

Mr Umunna: My hon. Friend is absolutely right.

These people will never be forgiven if they betray the trust of the people by breaking their promise to do all they can to ensure that the £350 million extra per week for the NHS is delivered. They all know that only too well. Mr Cummings, who, as I have said, worked for the right hon. Member for Surrey Heath, discloses in the blog I mentioned that the Foreign Secretary and the right hon. Member for Surrey Heath planned to deliver, in part, on that pledge as part of the Foreign Secretary's leadership campaign. Mr Cummings writes that when he told the Foreign Secretary

“you should start off by being unusual, a politician who actually delivers what they promise”,

the reply was

“Absolutely. ABSOLUTELY. We MUST do this, no question, we'll park our tanks EVERYWHERE”.

Apparently, the right hon. Member for Surrey Heath strongly agreed. Mr Cummings goes on to say:

“If they had not blown up this would have happened.”

No doubt the Minister will say to us that there are a number of reasons why the Government cannot support the amendment. I am going to pre-empt him and deal with each in turn. First, there are those who claim that it was not a pledge at all. The Transport Secretary has said:

“The specific proposal by the Vote Leave campaign was in fact to spend £100 million a week”—

of the £350 million—

“on the NHS. I hope that aspiration will be met.”

I say to the Transport Secretary, who of course is not here, that the poster, which the Vote Leave campaigners all stood by, did not indicate that that was an aspiration or use the £100 million figure. It was a pledge, pure and simple. The poster did not read, “Let's aspire to spend £100 million extra.”

Karl McCartney: Will the hon. Gentleman give way?

Mr Umunna: I will give way to the hon. Gentleman shortly. The poster gave the clear impression that the money would be spent. It is true that the Office for National Statistics said that the £350 million figure was misleading, but the Vote Leave campaign, which the right hon. Member for Surrey Heath chaired, kept on using that figure regardless. Now they will be held to account for it.

Karl McCartney: I thank the hon. Gentleman for eventually giving way. He really should listen to the words of my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith), who talked about forecasting. The hon. Gentleman has forecast—I think he will be wrong—that the £350 million will be an issue at the next general election. Does he agree that the Conservative party was not Vote Leave, and that the £350 million was the slogan of Vote Leave, not the Conservative party? As he is giving us a grand tour de force of the Brexit campaign, would he like to comment on “Project Fear”?

Mr Umunna: I think the hon. Gentleman was involved in Vote Leave—perhaps he was not—but I am not going to take any lectures about peddling fear and all the rest of it, in any campaign, from anyone associated with Vote Leave. I will come on to the point that he made about the Conservative party shortly.

Norman Lamb (North Norfolk) (LD): I entirely agree with the points that the hon. Gentleman is making. Having made that complaint to the UK Statistics Authority, the response that I received was that the claim was potentially misleading. As he has said, Vote Leave campaigners kept using it. Surely, they kept using it because they knew they needed to do so in order to win the referendum. Now that they have done that, we need to hold them to account.

Mr Umunna: That is absolutely right, and I completely agree with the right hon. Gentleman. I come to the point that the hon. Member for Lincoln (Karl McCartney) made about the Conservative party—*[Interruption.]* Admittedly, it could also apply to some people from the Labour party. Some say that the pledges were made primarily by people who may have been members of a Conservative Government, but who did not speak with the authority of that Government. Of the five Cabinet Members I have mentioned who took leading roles in the campaign, three were members of the Government at the time and one, the Foreign Secretary, attended the political Cabinet. Part of the reason why those key campaigners were put up to do media and to campaign for Vote Leave was that they carried the authority of being Ministers. We cannot detach one from the other.

The other, and connected, argument that is made is that the commitment was given by one side in a referendum campaign, not by a Government, so we should leave the matter alone and get on with things—we should all shut up. I am sorry, but I do not think that that will wash. Whether they were Ministers or not, all the key Vote Leave campaigners were Members of this House. As I have said, if our democracy is to mean anything, it is that Members of this House answer and are held to account in this House for the promises that they make to the people. After all, as has been said, they campaigned in the name of parliamentary sovereignty. If Parliament is sovereign, they should be held to account here.

Nigel Huddleston (Mid Worcestershire) (Con) *rose*—

Mr Umunna: I will not give way; I am going to finish.

Either those people made the pledge in the expectation of delivering on it, in which case they must now show us the money and vote for this very reasonable amendment, or they made it in the knowledge that it would never be met, in which case they will never be forgiven for their betrayal of those who, in good faith, relied on that promise.

7.30 pm

Mr Duncan Smith: I am wholly in favour of spending £350 million or £375 million or whatever the figure is. But I want to ask the hon. Gentleman a specific question, as this is his amendment and he has stopped short of saying what he really thinks: the amendment says only that a report should be published. What is his and his party's position on the spending on the NHS that will

come only as and when we leave the European Union and get back the money that we give at the moment, which is £350 million or £375 million? Does he want to spend that all on the health service or does he not?

Mr Umunna: I think I detected a hint of support for the amendment in the remarks that the right hon. Gentleman has just made.

Chris Leslie: He's melting!

Mr Umunna: The right hon. Gentleman seems to have accepted—I hear the word “melting” behind me—the premise behind the amendment. I very much look forward to his joining us in the Division Lobby.

My party established the national health service in the face of opposition from the right hon. Gentleman's party. We have a far better record of providing the funding and support to our NHS. We need no lectures or demands from his party, which is in government and throwing it all into chaos.

I finish by saying this to the right hon. Gentleman. His Prime Minister goes around saying, “Brexit means Brexit”. If Brexit means anything, it is that he and all his colleagues who campaigned for Vote Leave need to deliver on their promise to put £350 million extra per week into the NHS. I look forward to seeing the right hon. Gentleman in the Division Lobby tomorrow.

Several hon. Members *rose*—

The Temporary Chair (Sir Roger Gale): Order. If we are not careful, we will face the situation we faced last night. There are a large number of amendments and a large number of Members wish to speak. I understand entirely why Members are being generous in taking interventions; of course, that eats up time. I urge colleagues to shorten their speeches, if possible, to enable the maximum number of Members to take part in what is, after all, a very important debate.

Michael Gove: It is a pleasure to serve under your chairmanship, Sir Roger, and to follow the hon. Member for Streatham (Mr Umunna), who made a characteristically authoritative and penetrating speech. I also congratulate him on his leadership of the Labour In campaign in London. The whole United Kingdom, of course, voted to leave, but some of the strongest resistance to the arguments was in London and I am sure that that was in no small part due to the hon. Gentleman's eloquence and organisational ability.

Mr MacNeil: The right hon. Gentleman has just mentioned the whole of the United Kingdom. The UK is a union, so I hope he will acknowledge that not all the United Kingdom voted to leave. He will remember that we were told in 2014 that the constituent parts were equal partners in the United Kingdom. The whole may have voted leave, but not all of it did.

Michael Gove: I entirely accept the hon. Gentleman's point, but it is striking that the northernmost part of his constituency voted to leave—BBC research, I may say. We heard at length last night from the Scottish National party about how Scotland voted; all I would say is that a million people in Scotland voted to leave the

[*Michael Gove*]

European Union, and overall within the United Kingdom so many people voted to leave. As my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith) admirably pointed out, people want that vote to be expedited. I am speaking tonight because I oppose every single one of the new clauses and amendments in front of us because they seek to frustrate the democratic will of the people.

The hon. Member for Streatham is right: people do want us to take back control of the money currently spent on our behalf by the European Union. But if we accept his amendment and the other amendments and new clauses before us, we will be seeking only to delay and, as my right hon. Friend pointed out, to procrastinate, to put off the day when we eventually leave the European Union and can then spend that additional money on our NHS or, indeed, any other priority. If any Member of this House wants to see taxpayers' money that is currently controlled by the European Union spent on our NHS, on reducing VAT on fuel or, say, on improving infrastructure in the Western Isles, they have a duty to vote down these new clauses and amendments, which seek to frustrate the honouring of the sovereign will of the British people.

Stephen Gethins (North East Fife) (SNP) *rose*—

Mr MacNeil *rose*—

Michael Gove: I give way to the hon. Gentleman on the Front Bench, who was first.

Stephen Gethins: The right hon. Gentleman is very kind. He bears some responsibility for the mess that we are in, in not knowing what leaving the European Union means. One area that he was clear on was that Scotland should have more control over immigration. Will he join us in campaigning for that?

Michael Gove: It is striking that the hon. Gentleman talks about the mess that we are in. Of course, the “we” refers to the Scottish National party, because it is in a significant mess at the moment. It has found that support for independence has fallen as a result of leaving the European Union and that support for a second referendum is falling. Psychological displacement theory explains why it wants to talk about anything other than its own political failure.

Seema Malhotra: Will the right hon. Gentleman give way?

Michael Gove: I will make a little progress, then I will give way to the hon. Lady.

The reason I oppose all the new clauses and amendments is that, as was pointed out by my right hon. Friend the Member for Chingford and Woodford Green, every single one of them, if implemented, would delay and potentially frustrate the legislation. They would require a huge list of impact assessments to be published and other work to be undertaken before we could trigger article 50.

I know that the hon. Member for Greenwich and Woolwich (Matthew Pennycook) said that it was not the mission of the Labour party to delay, but he is rather in the position of what guerrilla organisations

call a *cleanskin*—an innocent who has been put in the way of gunfire by other *wilier* figures, such as the shadow Chief Whip who is in his place. I am sure that the hon. Gentleman is entirely sincere in his belief that the new clauses and amendments would not delay or complicate the legislation, nor frustrate the will of the British people, but I have to say that he is wrong. He is in the position of the Roman general, Quintus Fabius Maximus Verrucosus Cunctator, “the delayer”: everything that he is doing—every single one of these new clauses and amendments—seeks to delay.

Let me draw attention briefly, for example, to new clause 48, which stands in the name of the hon. Member for Bishop Auckland (Helen Goodman). Subsection (1), as clarified by subsection (2)(s), would require us to have an impact assessment on leaving the European Union Agency for Railways. It may have escaped her notice, but Britain is an island.

Mr MacNeil: The channel tunnel.

Michael Gove: The hon. Gentleman makes a very good point, but the idea that we should spend an inordinate amount of time and money trying to determine whether this country will suffer or benefit by being freed from the bureaucracy of that particular agency would seem to be a massive misdirection of effort. More than that—

Helen Goodman *rose*—

Michael Gove: I will give way to the hon. Lady in just a second.

More than that, if we were to publish impact assessments on every single one of these areas, we would be falling prey to a fallacy that politicians and other officials often fall prey to, which is imagining that the diligent work of our excellent civil servants can somehow predict the future—a future in which there are so many branching histories, so many contingent events and so many unknowns. If we produce an impact assessment on leaving the European Union Agency for Railways, how do we know how leaving that agency might be impacted by the enlightened proposals being brought forward by my right hon. Friend the Transport Secretary for the more effective unification and cohesion of our transport network? We cannot know, unless we have that fact in play, but we do not yet know—quite rightly, because he is taking time to consult and deliberate—what that policy will be. What we would be doing is commissioning the policy equivalent of a pig in a poke. With that, I am very happy to give way to the hon. Gentleman.

Mr MacNeil: I am surprised to hear the right hon. Gentleman saying he does not know, because I thought everything was known after the 23 June vote. I know he will tell us that the vote on 23 June meant leaving the single market. Does it mean the WTO or does it mean a deal from Europe? He says he knows. Which will it be? Tell us.

Michael Gove: My argument throughout has been that in seeking to find the certainty the hon. Gentleman wants from the publication—

Mr MacNeil: Does the right hon. Gentleman know?

Michael Gove: I am a humble seeker after truth, but I recognise that in a world where there are contending versions—the Scottish nationalist version, the Green version, the independent Unionist version and the Labour party version—there is for all of us a responsibility to use reason in the face of so many attractive and contending versions of the truth.

Lady Hermon (North Down) (Ind) *rose*—

Caroline Lucas *rose*—

Seema Malhotra *rose*—

Helen Goodman *rose*—

Michael Gove: I will, in the spirit of inclusion, seek to give way seriatim to the four Members seeking to catch my eye.

Lady Hermon: May I say, ever so gently to the right hon. Gentleman, that I am deeply offended by being accused, wrongly, of trying to frustrate the will of the people of the United Kingdom? I am a Unionist. I would like him to address a very serious issue. Sinn Féin, a republican party, will use a hard Brexit to trigger a border poll in Northern Ireland. We may be seeing the break-up of the United Kingdom because of the rhetoric of the right hon. Gentleman and others. Will he address this serious point?

Michael Gove: That is a very serious and important point. I do not know if, strictly speaking—I defer to the Chair—it is relevant to the new clauses we are debating. What I would say to the hon. Lady is that, in this House and elsewhere, I will do everything I can to work with her to ensure that we honour the vote of the whole of the United Kingdom, and, at the same time, work on the progress she has helped to secure in making sure we have peace on the island of Ireland.

Caroline Lucas: What we do know is that the people on 23 June did not vote to deliberately reduce environmental protection. What we do know is that Brexit, as currently planned, will massively reduce environmental protections, because we suddenly will not be part of the European Environment Agency, the European Investment Bank and so on. Does the right hon. Gentleman not think it reckless to be quite so contemptuous of the Opposition amendments tabled to try to ensure we have in place adequate safeguards for our environment before we trigger article 50?

Michael Gove: I may not agree with the hon. Lady on everything, but I agree that effective environmental protection is really important. I would make two points in particular in response to her important intervention. First, it is entirely open to us, as we leave the European Union, to maintain the current standards of environmental protection, but it is also open to us, once we leave, to enhance them. We can, if we wish, have higher standards of environmental protection, for example for moving livestock. Secondly, we can reform the common agricultural policy, against which her party has campaigned for many years, and against which her hon. Friend in the other place campaigned so brilliantly by arguing to vote leave. We can replace the CAP with an approach to subsidising land use that is both more environmentally sensitive and more productive.

Peter Kyle (Hove) (Lab) *rose*—

Michael Gove: To be fair to the hon. Gentleman, for whom I have a great deal of respect, the next Member kind enough to ask to intervene was the hon. Member for Feltham and Heston (Seema Malhotra).

The Temporary Chair (Sir Roger Gale): Order. Just before we proceed, it is customary and courteous to allow the right hon. Gentleman to respond to one intervention before trying to make another one. I find the debate progresses better that way.

Seema Malhotra: The right hon. Gentleman describes himself as a humble seeker of truth. That strikes me as interesting, given that he campaigned so hard to leave on the basis of an extra £350 million a week to be spent on the health service. Why will he not support amendment 11, tabled by my hon. Friend the Member for Streatham (Mr Umunna), which states:

“the Prime Minister must prepare and publish a report on the effect of the United Kingdom’s withdrawal from the EU on national finances, including the impact on health spending.”?

Surely, as a humble seeker of truth, he might want to know the answer to that?

Michael Gove: That is a very important point very well made, but the point I sought to make earlier—the hon. Lady’s intervention gives me a chance to underline and further clarify it—is that if we want more money to be spent on the NHS, or, for that matter, anything else, and we want to take back control of the money the EU currently controls or spends on our behalf, then we should seek to expedite the will of the British people and leave the EU as quickly as possible. We will then have that money back and we can invest it in the NHS more quickly.

Peter Kyle *rose*—

Michael Gove: The hon. Member for Bishop Auckland sought to intervene earlier, but I suspect the point made by the hon. Member for Feltham and Heston (Seema Malhotra) was very much hers and that it was an example of sisterly collaboration. In the spirit of fraternal humility, I hand over to the hon. Member for Hove (Peter Kyle).

7.45 pm

Peter Kyle: I am grateful. Many members of the public are also humble seekers of truth. If we do not pass these new clauses and get these impact assessments, how will they be able to judge how Brexit is going? How will they be able to judge the impact on health, education, transport, environment and their communities if they have no information at all?

Michael Gove: This gets me back to the heart of my argument, which is that if one believes that the only authoritative evidence, the only view that matters, is that produced by the Government, one is turning one’s back on 400 years of Enlightenment thinking. There is not one single canonical view that is right in every respect. As was made clear earlier, there is a proliferation of views about what the impact of leaving the EU might be in different areas.

[Michael Gove]

Further, if we were to have published the Government's policy advice in every area, which is the inference behind the hon. Gentleman's question, it would make the business of Government impossible. He might remember, as I certainly do, reading the words of the former Prime Minister, Tony Blair, in his autobiography, "A Journey", in which he said that the Freedom of Information Act was his biggest mistake—I think there were some bigger. [Laughter.] That is one view that commands a consensus around the House. He thought he had handed a weapon to his enemies and made impossible the business of Government, which requires confidential advice to be prepared by civil servants and accepted by Ministers.

When I was a Minister, I received excellent advice—my mistakes were all my own, all the good ideas were civil servants'. Nevertheless, however good the civil service advice that a Minister receives, it is only one source of wisdom, and every Minister worth his or her salt will want to consult widely. Any Minister who sought to steer only by civil service advice would rightly be held by the House to be a timid mouse constrained by their brief, incapable of ranging more widely and of making a judgment in the national interest.

Wayne David (Caerphilly) (Lab): On finance, does the right hon. Gentleman agree with the Secretary of State for Brexit, who is prepared to consider our paying the EU for access to the single market?

Michael Gove: To be fair to both the hon. Gentleman and my right hon. Friend, I think that that is a mischaracterisation of what he said. [Interruption.] It is. It is a mischaracterisation that was sedulously reported in some sections of the media. I make no criticism of the hon. Gentleman, but my interpretation was different, and in a way the fact that two such fair-minded—I hope—figures as he and I can, from the plain words in *Hansard*, reach two different conclusions rather proves my point, which is that we can ask for evidence but we cannot have a single definitive view. The argument, as made in the new clauses, that we cannot proceed until we have that so-called single, definitive, canonical view represents a profound misunderstanding.

Mr Charles Walker: The most important word used in this debate is "accountability". We are accountable not to the House but to our constituents, and it will be they at future general elections who hold us to account for the success or failure of Brexit.

Michael Gove: My hon. Friend makes a characteristically acute point, and it goes to the heart of my argument, which is that if, come the next election, we have not left the EU, the British people will feel that, having asked a decisive question and been given a clear answer, we have dishonoured the mandate they have given us and not respected the result. That leads directly to my concern about the amount of work required by the new clauses and about the tools that these assessments would give to others outside the House who might wish to frustrate the will of the people further.

Mrs Anne Main (St Albans) (Con): As most of us found out during the campaign, people wanted us to get on with it, whatever the result. Nowhere on the ballot

paper did it say that we should get tied down in knots forever and a day, which is in effect what Opposition Members are seeking to ensure.

Michael Gove: My hon. Friend is absolutely right. New clause 40, tabled by the hon. Member for Bishop Auckland, states that the Prime Minister must, before even

"exercising the power under section 1"

and before triggering article 50, publish an impact assessment of the effect on the United Kingdom of leaving the customs union. How can we know that?

I am sanguine about leaving. I take the lead from Shanker Singham and other distinguished trade negotiators that leaving the United Kingdom—[Interruption.] A Freudian slip: I mean leaving the customs union—will lead not just to GDP growth in the United Kingdom, but across the world. I take that view, but it is entirely open to others to take a different view, and it is entirely open to Her Majesty's Government to choose to follow policies that, once we have left the customs union, will either maximise or minimise our GDP. Once again, by insisting on a narrow focus on what is believed to be one truth and holding up the advance of this legislation as a result, the promoters of this new clause are, I am afraid, once again seeking to frustrate democracy.

Nigel Huddleston: I certainly welcome my right hon. Friend's conversion to listening to experts. Does he agree with me, though, that no good will come to British business or to our constituents if all we do for the next two years is rehash the results of or indeed the debate about the referendum? I respectfully disagreed with my right hon. Friend during the referendum, and I am sure we will respectfully disagree for many times to come, but this is not going to help the outcome of the Brexit decision.

Michael Gove: I entirely agree, and my hon. Friend makes two important points. Of course, we had the referendum and some people on the remain side feel sore because they think the result was not just a betrayal of their hopes, but was won by means that, to put it mildly, they do not entirely endorse. I absolutely understand that, and there is a responsibility on those of us who argued for leave to listen carefully and to seek to include in the type of new relationship we have with the European Union the very best ambitions and aspirations that were put forward as reasons for staying. I think that can be done and that this House has a critical role in bringing it about, but it can be done only once article 50 has been triggered and the British people have had the confidence that we are leaving.

Julian Knight: I thought that the hon. Member for Streatham (Mr Umunna) spoke powerfully about breaches of promise, but is there any bigger breach of promise than blocking Brexit by supporting these wrecking amendments?

Michael Gove: My hon. Friend is absolutely right, and there is a particular element to it, as well. One of the important principles of our constitution, which as a former Justice Secretary I wholeheartedly believe in, is the principle of judicial review. It is absolutely right that Executive action should be subject to judicial review.

It is the only way, apart from the exercise of power in this House, that we can be certain that the Executive is following the rule of law. I am one of those people, albeit that I campaigned for and voted for us to leave the European Union, who was pleased that the Supreme Court held this Government to account so that we have this legislation before us now.

Having said all that, and having placed on the record my support for both this legislation and the principle of judicial review, if we accept any of these new clauses or amendments, we will subject the operation of article 50 to judicial review. That would mean that if any single one of these impact assessments were not prepared in exactly the right way, at the right time, with appropriate care, the whole process and the democratic will of the British people could be upended. Different people have different views about experts—I shall come on to them in a few moments—but I know whereof I speak.

As I have said, I made a number of mistakes during my ministerial career—too much for us to be able to run over now, given that our debate has to close at 9 o'clock. One thing I remember is that judicial review on the basis of a relatively small infraction, as admitted by the judge, of an equality impact assessment—one I deeply regret—nevertheless resulted in the paralysis of this Government's school capital building programme. Now, if we want to create a feast for lawyers and a festival for litigators, we should accept these new clauses and bring in these amendments. In so doing, we will see the tills ching in the Middle and Inner Temples and hands wring up and down the country, as we once again frustrate the will of the people.

Lucy Frazer (South East Cambridgeshire) (Con): My right hon. Friend makes a very powerful argument. Does he remember that during the campaign, an assessment of the economy was given by the former Chancellor of the Exchequer? Does he remember whether it was accepted by the Opposition, or whether the Leader of the Opposition said that he did not accept the assessment and would not implement it?

Michael Gove: Again, my hon. and learned Friend, who is a silk and who took with forbearance my comments about lawyers before making her own very acute point about economics, is absolutely on the button.

Are we to accept that for the first time ever, once the impact assessments have been published, an official Government document will be taken by my friends in the Scottish National party or the Labour party as holy writ? Are they going to say, "Thank heavens, this document bears the name of the Secretary of State for Exiting the European Union, so it absolutely must be right, because this is the only way in which I can form a judgment on whether or not leaving the European Union will be a success"? Can I expect the hon. Member for Ross, Skye and Lochaber (Ian Blackford) to say, "Oh look, the impact assessment from the Department for Exiting the European Union said X, and now, six months later, X has been satisfied, so I am going to give up and accept that the Secretary of State is right, because everything that he has done is in accordance with what he has previously said he would do"?

Ian Blackford (Ross, Skye and Lochaber) (SNP): The right hon. Gentleman has said that members of the Government have made mistakes in the past. This is

about the House holding the Government to account. We must recognise the reality of what has happened. He talks about the estimates that are out there, but the reality is that the currency has already fallen substantially against the dollar, and we are aware of the impact of an increase in inflation. The impact assessments must be informed by the reality. Let us also not forget that we have heard nothing from the Government—no plan—about how we are going to effect trade with Europe. Of course we need impact assessments if we do our job properly as Members of Parliament.

Michael Gove *rose*—

The Temporary Chairman (Sir Roger Gale): Order. Before the right hon. Gentleman continues his speech, may I again gently say that a great many Members wish to speak? He has been extremely generous in giving way, but I trust that he is nearing his peroration.

Michael Gove: I am grateful for the intervention from the hon. Member for Ross, Skye and Lochaber, who combines the roles of crofter and former investment banker with rare skill. He is right—the pound has indeed fallen—but one of the reasons why many people in our shared country of birth rejected the Scottish National party's referendum promise in 2014 is that at least we know what currency we have in this country, the pound. If Scotland were to become independent, it would not have the pound and it could not have the euro, so we do not know what it would be left with. A hole in the air? The goat? There is no answer to that question.

Mr MacNeil: Will the hon. Gentleman give way?

Michael Gove: No.

Let me now deal with the substantive point made by the hon. Member for Ross, Skye and Lochaber, because it is critical. He argues that the only way in which we as Back Benchers and Opposition spokesmen can effectively scrutinise the Government is through impact assessments. That is a grotesque misunderstanding of the opportunities that are available to us in the House through freedom of information requests, parliamentary questions—written or oral—and the diligent use of all the other tools that enable us to scrutinise the Executive. The idea that we are mute and blind until an impact assessment has been published, the idea that there is no relevant tool available to us and no relevant source of information that we can quarry other than an impact assessment—

Stephen Gethins: Will the right hon. Gentleman give way?

Michael Gove: No.

That idea is a misunderestimation—if I may borrow a phrase from George W. Bush—of what all of us, as Members of Parliament, are capable of.

That brings me to my final point—

Tom Tugendhat (Tonbridge and Malling) (Con): My right hon. Friend is expounding entirely on the principle of the House, which is the principle of democracy under the rule of law. He is not arguing, as others have done, for the rule of lawyers.

Michael Gove: I could not agree more, and my hon. Friend's intervention gives me an opportunity to commend him for the work that he has done to draw attention to the way in which some lawyers have used some legislation to enrich themselves at the expense of those who wear the Queen's uniform and defend our liberties every day. His work is commendable, and it is an example of what a Back Bencher can do. He did that work without any impact assessments having been published, and without waiting for the Ministry of Defence to act. He did it because he believed in holding the Executive to account, as we all do—and the one thing for which we all want to hold the Executive to account is the triggering of article 50. So if anyone wants to have the opportunity for perennial judicial review, they should vote for these amendments. If they want to earn the scorn of the public by putting pettifogging delay ahead of mandate—

Mr MacNeil: Pettifogging?

Michael Gove: Yes, it is one of my favourite polysyllabic synonyms for prevarication, procrastination or delay.

8 pm

If anyone wants to put delay ahead of implementing the will of the British people, they should vote for these new clauses and amendments. But if they actually want to get on with scrutinising what the Government do, why not join us on the Exiting the European Union Committee? Why not table written and oral parliamentary questions? Why not conduct a proper study of what not just this Government but other Governments, not just this Government but civil society, and not just this Government but a variety of industries and enterprises across the country are saying?

The idea that we should seek, as these amendments and new clauses seek to do, to delay the will of the British people would, rather than restoring the confidence in this House that the vote on 23 June was designed to do, only lower public confidence in us. For that reason—because it would mean that a glorious liberation was curdled by parliamentary delaying tactics of a discredited kind—I hope the entire House will vote against these new clauses and all these amendments in order to uphold the sovereign will of the British people as freely expressed on 23 June last year.

Patrick Grady (Glasgow North) (SNP): I, on behalf of the Scottish National party, would like to speak to new clause 143, on which I hope we will test the will of the Committee later on, to amendment 58, which I tabled, which relates to the European development fund, and the 27 other amendments in the names of my hon. Friend the Member for North East Fife (Stephen Gethins) and other hon. Friends. The SNP tabled a total of 50 new clauses and amendments to this Bill, and I hope that we get a chance to debate as many of those in this group as possible—amendments 47 to 53, 57 to 62, 64 to 77, 79, 80 and 82, as well as new clause 138.

Government Members who have spoken were quite exercised about the possibility of the amendments causing some delay to the triggering of article 50, but I am not entirely sure what that delay might be. I have read the Bill—all 137 words of it—and nowhere in it is there a date for the triggering of article 50. The Bill gives the power to the Prime Minister and the Prime Minister

alone—as I said last week, it is a very presidential power, not a parliamentary power—to choose the date on which article 50 is triggered.

Stephen Gethins: My hon. Friend makes a very good point about the new clauses we are arguing for this evening. Is he aware that the Scottish Parliament this evening voted by three to one against triggering article 50, which comes on top of the two to one of Scots who voted against triggering article 50 as well?

Patrick Grady: I am fully aware of that. It reflects the consensus across Scottish society that Scotland should retain its membership of the single market and the fact that it did not vote to leave the EU. The Scottish Conservatives have run a mile from that.

Several hon. Members *rose*—

Patrick Grady: No, I will not give way yet; we are just getting started.

I might add that in the time that the Scottish Parliament took that vote, as well as votes on several amendments, barely one Member had spoken in this debate. Voting in the Scottish Parliament is far quicker than here; its Members can vote on far more amendments than we ever can, because they do not have the archaic procedures that we have to put up with down here.

Yesterday's amendment paper had more pages—142—than there are words in the Bill, but today we are down to just 121 pages. The number of amendments that have been tabled highlights the dreadful inadequacies of both the Bill and this scrutiny process. There is nowhere near enough time to consider the massive implications of what Brexit will actually mean and how the Government intend to achieve it, and of course there is still no kind of meaningful information on what they think those implications might be.

Mr MacNeil: A theme is emerging of what Brexit might mean: a plea—I noticed this in the speech of the right hon. Member for Surrey Heath (Michael Gove)—for the EU not to punish the UK. Yet from the same lips all the time comes the threat of a punishment to Scotland if we become independent. These acts and words will not be missed in the 27 member states of the EU—the hypocrisy, the double-edged sword and the brass neck and bare-faced cheek in the UK.

Patrick Grady: My hon. Friend makes a good point—

Kwasi Kwarteng (Spelthorne) (Con): Will the hon. Gentleman give way?

Patrick Grady: I have not responded to my hon. Friend yet.

The Scottish National party—for the record, that is its name, as I think *Hansard* is probably fed up with hearing—has always understood that our kind of independence is defined by our interdependence and by the role that we want to play in the world, whereas it is increasingly clear that the hard right, Tory Brexit that is being foisted upon us against our will is an isolationist independence—[*Interruption.*] It is Trumpist, triumphant and narrow nationalism, as I hear my colleagues saying from the Back Benches.

Kwasi Kwarteng: Will the hon. Gentleman give way?

Patrick Grady: No, I still have not even begun to talk about our new clauses and amendments, and I am sure that Members want to hear why it is so important that the Government should publish impact assessments on the machinery of government, which will be profoundly affected by our leaving the European Union.

The Government must give us a benchmark. They must give us their own assessment against which we can measure and test these things so that we can hold them to account. The Chair of the Procedure Committee, the hon. Member for Broxbourne (Mr Walker), under whom I am proud to serve but who is not in the Chamber, has said that we are accountable to our voters—that is absolutely correct. However, the Government are accountable to us, and they have to provide us with the necessary information so that we can hold them to account.

Kwasi Kwarteng: It seems to have taken the Scottish nationalist party six months to realise that a third of those who voted yes in 2014 actually wanted to leave the EU. SNP Members seem completely oblivious to that fact, but I would like to hear what the hon. Gentleman has to say about it.

Patrick Grady: I think that that counts as a minority.

The First Minister herself said on 24 June that we would respect, listen to and understand the people in Scotland who voted to leave the European Union. We never heard anything like that from the Prime Minister about those on the other side. The First Minister's words were reflected in the compromise position that was published by the Scottish Government. They have moved heaven and earth to try to reach a compromise arrangement with this Government, but their words are still falling on deaf ears.

Mr Duncan Smith: Will the hon. Gentleman give way?

Patrick Grady: No.

I want to address some of the new clauses and amendments that have been tabled by various factions on the Labour Benches, and I shall focus particularly on the ones relating to Euratom. The exchanges on this subject on Second Reading demonstrated the utter chaos that has gripped this Administration and their predecessor. Euratom's role is to provide a framework for nuclear energy safety and development. I would have thought that, no matter how much some of the Brexiteers hate the European Union institutions, this one would have been among the least controversial. Surely there must be consensus on protecting us from nuclear meltdowns. Do they not think that that is a good idea? No.

The Command Paper that the UK Government published in February last year on the impact of Brexit made no mention of coming out of Euratom. Nevertheless, we are being taken out of it without any warning and, if the Government will not accept the Labour new clause on this matter, there will be no further discussion about it. I do not remember the subject featuring on the side of buses or in showpiece debates, yet here we are with another ill-thought-out unintended consequence of a Brexit vote that started as an internal ideological battle

among Conservative Members and that is going to leave decades of uncertainty in its wake for us all. That is just one example. Each new clause and amendment, from whatever party, that calls for an impact assessment shows the Government's lack of preparation across the whole suite of policy.

Tom Tugendhat: I should like to ask the hon. Gentleman a small question, if I may. Has he given his constituents an impact assessment of any change that might take place at the next election? Has he prepared them fully and properly for the impact that a change of Member of Parliament might have on them? Or does he trust them to make their own impact assessment—does he trust the people to decide?

Patrick Grady: I am sure that the hon. Gentleman was here for my Second Reading speech last week, so he will know that 78% of my constituents voted to remain in the European Union. I am therefore reasonably confident that their voice is at last being heard. They will make their judgment at the next election, whenever it comes, and I will be happy to live with their decision.

We want to test the will of the House on new clause 143. It tests the Government not only on the practical costs of Brexit but on the hard money, because we know that the financial costs will be high. It is simply not in the interests of the remaining member states for the UK to be better off as a result of Brexit. We have already seen the shocks to the currency market described by my hon. Friend the Member for Badenoch and so on—[*Laughter.*] I am not quite as good at this as the right hon. Member for Surrey Heath (Michael Gove). We have seen the shocks to the currency market and the revisions that have already happened in the economic forecasts. Withdrawing from the European Union and exiting the single market will lead to an enormous hit on our economy, and new clause 143 calls on the Chancellor to bring forward further revised forecasts and an assessment of the UK's financial liability to the EU on the completion of the triggering of article 50.

Ian Blackford: We are talking about financial considerations, but this is about the impact on people and we have to think about UK citizens who are living in Europe. At the moment, they are entitled to healthcare cover and to a UK state pension that will be uprated, but there is no certainty that that will continue post-Brexit—the UK does not pay pension increases in countries with which it does not have a reciprocal arrangement. This is also about the EU citizens who may return to France, Germany, Spain or wherever and be caught up in the same trap, because while they paid national insurance here, the UK might not have a commitment to uprating pensions. Those are the sorts of issues that the Government must provide certainty on.

Patrick Grady: Indeed. That is covered in amendment 72, in which we ask the Department for Work and Pensions to provide an assessment. I hope that there will be time for the House to discuss that measure in more detail later on.

Dr Murrison: Will the hon. Gentleman give way?

Patrick Grady: No, I want to make a little progress.

[Patrick Grady]

We have seen the leaked reports of the Government's assessment that a hard Brexit could cost the UK economy up to £66 billion a year—9.5% of GDP—if we revert to WTO terms. The hon. Member for Bishop Auckland (Helen Goodman), with whom I serve on the Procedure Committee, said earlier that analysis in the *Financial Times* shows that the cost of simply leaving is up to €20 billion due to the shared assets that we are a part of, and that there are up to €300 billion of payment liabilities that need to be settled in the negotiations. Even after all that, there will be ongoing costs, as well as funds that we might wish to continue to contribute to. That is covered in amendment 58, which is about the European development fund. The European development fund is the main method for providing European community aid for development co-operation in African, Caribbean and Pacific countries and the overseas countries and territories of EU member states.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): Will my hon. Friend give way?

Patrick Grady: I am happy to give way to my hon. Friend, who sits on the International Development Committee.

Dr Cameron: Does my hon. Friend agree that the European development fund is crucial not only to achieving our commitment to the sustainable development goals, but to providing long-term sustainable funding for projects, rather than letting them fall at the first hurdle?

Patrick Grady: Absolutely. The European development fund saves and changes lives in developing countries. I would have thought that there would be a little consensus—[*Interruption.*] If the hon. Member for South West Wiltshire (Dr Murrison) wants to talk to me about the EDF, I am happy to take an intervention.

Dr Murrison: Would the hon. Gentleman's constituents rather that development aid from this country was spent by the UK and overseen by the Independent Commission for Aid Impact, or spent by the EDF, which has none of that oversight?

Patrick Grady: The EDF is highly respected around the world for its effective use of international development aid. Indeed, I have pursued that with Ministers. I have received equivocal answers, but they have recognised from time to time that the EDF is actually quite an important part of the suite of European institutions and that we do make important contributions. If those contributions were ripped away, that would have a devastating effect on the EDF, so we must explore this area and understand it.

Over the years, the UK has contributed around £10 billion to the EDF, which has been a crucial component, as my hon. Friend the Member for East Kilbride, Strathaven and Lesmahagow (Dr Cameron) says, of our meeting the 0.7% aid commitment. According to the Government's timetable, Brexit will happen before the end of the current 2020 commitment period, so what will happen after Brexit? The other important thing about the EDF is that it is one of the main instruments for providing development capacity to British

overseas territories, so how will they be affected? What plans are being made for them? We are trying to test such things through the amendments.

The Government have indicated from time to time that they ought to continue funding the EDF, so perhaps there are European institutions that they will have to continue to fund and support, and to have some kind of retained membership of. That makes me wonder. We hear about hard Brexit and soft Brexit, but perhaps this is some sort of hokey-cokey Brexit whereby we leave everything and then have to start joining things again: "You put your left wing in; Your right wing out; In, out, in, out"—I do not want to think about anything being shaken all about.

Amendment 49 calls for a report from the Secretary of State for Environment, Food and Rural Affairs on the level of agricultural maintenance support grants beyond 2020.

Alan Brown (Kilmarnock and Loudoun) (SNP): Scotland is already losing out on more than £230 million of EU funding that was supposed to go to Scottish farmers. The UK Government promised a review in 2016, but they have not carried it out. It is critical that we have an impact assessment that tells Scottish farmers what will happen so that they can plan for their future.

8.15 pm

Patrick Grady: There is absolutely no certainty for Scotland's farmers, or indeed for farmers across the whole United Kingdom. During the EU referendum campaign, the then Secretary of State for Environment, Food and Rural Affairs, the right hon. Member for South West Norfolk (Elizabeth Truss), made it clear that there would be a guarantee of capital and funding beyond 2020. Then, at the Oxford farming conference last month, the current Secretary of State completely changed her tune. Such confusing and contradictory comments about the long-term future show precisely why we need the Government to spell it out in far more detail than they have in the White Paper. Of course, we particularly want to know whether the agriculture powers currently exercised by the European Union will come to the Scottish Parliament. The principle is clear in the Scotland Act 1998: if something is not reserved, it is devolved. Therefore, everything that the EU is currently doing on this should go to the Scottish Parliament.

Mrs Main *rose*—

Patrick Grady: If the hon. Lady agrees with that, I am happy to hear from her.

Mrs Main: I will make my own point, thanks very much. Can the hon. Gentleman give the Committee some idea of how long all these impact assessments will take? How much time does he expect the House to devote to debating them and the statements? What other business will not happen because we are debating all the spurious impact assessments that he thinks should occupy the House 100%?

Patrick Grady: With the greatest of respect, we voted against the referendum Bill. We did not think the referendum should happen. When it became clear that the referendum would happen, we said that the debate

should last longer. In Scotland we had two full years to debate the consequences of independence, and the voters heard both sides of the debate and made up their mind. We had less than six short months between the announcement of the date and the referendum—*[Interruption.]* I am hearing that the Secretary of State for Brexit backed a longer debate. There should have been time before the referendum. As I said at the start of my speech, the White Paper says that article 50 will be invoked at the end of March, but the Bill does not say that. It is entirely in the gift of the Prime Minister, and she might change her mind. There is no mechanism to hold her to account for that.

Stephen Gethins: My hon. Friend makes an excellent point. The SNP obviously backed a longer debate, and I am delighted that the Secretary of State for Exiting the European Union did, too. A little more scrutiny might not have gone amiss.

Patrick Grady: Precisely. The Brexiteers' whole point was about parliamentary sovereignty and how this House would take back for itself the opportunity to make decisions, so why are they now afraid of our having those opportunities?

Mr MacNeil: May I provide an answer to the hon. Member for St Albans (Mrs Main)? The impact assessment would take slightly longer than jumping off a cliff.

Patrick Grady: That is a good point, well made. As I said at the start of my speech, we need the facts in front of us.

Ian Blackford *rose—*

Patrick Grady: I will make a little progress because, as I said, we have a number of important amendments to discuss, but my hon. Friend can try to intervene later.

Amendment 51 calls for a report on the impact of UK withdrawal on Scottish seaports. The problems caused by Brexit that are facing Scottish seaports are expensive and complex. Concerns for the maritime industry surround general policy areas such as employment law, immigration, border controls and contract law, as well as transport-specific areas such as freedom of trade, safety, the environment, tonnage tax and security. The White Paper offers only more uncertainty.

The UK Government's stated approach to immigration post-Brexit may create an increased need for border activity at Scottish seaports, and the Government's preferred arrangements for trading post-Brexit—out of the EU customs arrangements—will necessitate additional customs checks on exports and imports at seaports, and will affect trade volume at seaports, so the Government have to mitigate that uncertainty by publishing a full impact assessment of those complex issues for Scottish seaports before triggering article 50.

Amendment 52 calls for an assessment of financial implications for charities, on which I have a certain amount of experience from my international development portfolio. International development charities across the United Kingdom are already feeling the impact of Brexit and the currency fluctuations. Money that they had raised—money that the UK public had voluntarily donated—is now worth less as a direct result of the Brexit decision, which is having an impact on the day-to-day lives of people in developing countries to whom charities

had pledged money that is now not worth what it was when the pledges were made. I hear nothing from the UK Government saying that they want to make up the difference or give the charities any kind of support. UK charities generally receive some £200 million a year from the social fund, through EU structural funds and from the regional development fund.

Dr Cameron: Is it not extremely concerning that the chief executive of the UK-based international charity World Child Cancer stated that the fall in the pound had resulted in a 9% to 13% cut in its programme funding?

Patrick Grady: I agree entirely. All of us who deal with stakeholders in the third sector will hear stories such as that time and time again. It probably explains why research published by the Association of Chief Executives of Voluntary Organisations, which represents more than 3,000 employees and 15,000 volunteers, revealed that its charity chief executives were increasingly worried about the future. Half of those surveyed receive funding from the EU and 30% confirmed that indirect funding was at risk. As I have said, in the immediate case we have seen the devaluation of currency being spent by those charities.

Amendment 53 calls for a report on the relationship between the Channel Islands and the EU. The Channel Islands are not a member of the EU, but they have access to the single market and now face being denied that by a hard Tory Brexit. That is why our amendment seeks a report that sets out the full implication of the relationship between the Channel Islands and the EU, and the impact that Brexit will have. That is vital because there will be a serious impact on many key Channel Islands industries, including finance and fisheries. Again, that is an example of why we need these impact assessments.

Amendment 57 calls for a revised strategic defence and security review. The last SDSR was based on the 2015 national security risk assessment, which took place before the European referendum and did not consider any post-Brexit scenarios. As such, it is no longer fit for purpose. The SDSR makes no mention of the EU's common security and defence policy, whereas the White Paper outlines existing UK participation in the CSDP and expresses the intention to continue that co-operation post-Brexit. Again, we see the in and out of the Tories' Brexit.

Ian Blackford: My hon. Friend is giving a damning indictment of the UK Government's lack of preparedness for Brexit, but this is also about what will change. We have heard about agriculture and fisheries, but the fact remains that Europe has delivered for Scottish crofters and Scottish farmers, and one institution that we have not been able to depend on is the UK. The EU has given the UK €233 million of convergence uplift funding, which was primarily to go to Scottish crofters and farmers, yet we have only got 16% of it. Who should we be trusting? Should we be trusting Europe or should we be trusting the UK Government to deliver for our crofters and farmers

Patrick Grady: That is a fair point. We hear Government Members saying, "Where did that money come from? It came from UK taxpayers", but my hon. Friend is exactly right in what he says. The road I cycled up to

[Patrick Grady]

school every day, in Inverness and in the country—this was when I was slightly younger than I am now—was built and paid for with EU money. There is no way on God's earth that Thatcher's Government would have spent that money on that road, which shows why people in Scotland voted to remain in the EU.

Alan Brown: My hon. Friend is highlighting some issues, but I wish to get back to the SDSR. The National Audit Office has identified that a key risk to the strategic plan is fluctuations in the pound because of pricing against the dollar. If the NAO is highlighting that as an issue, should the Government not be looking at it, rather than having a Secretary of State who stands at the Dispatch Box and tells us, "Everything is okay; we made contingency plans"? We need to know what the contingency plans are and what the impact will be.

Patrick Grady: Of course we do, which is why we tabled all these amendments. We were asked why we were doing that and what we were trying to achieve, but my hon. Friend is making the case on that very clearly.

I have already spoken about amendment 58, so I shall move on to amendment 59, which calls for a report on the medium-term economic forecast in the event of the UK leaving the single market. Again, Scottish National party Members have made points about the dangerous long-term and medium-term economic realities of a hard Tory Brexit. We know that the OBR forecast said: "we asked the Government in September for 'a formal statement of Government policy as regards its desired trade regime and system of migration control, as a basis for our projections'. The Government directed us to two public statements by the Prime Minister that it stated were relevant".

Given the far-reaching and devastating consequences that leaving the single market would have on the economy, teamed with the lack of detail given to the OBR, it has to be the Treasury's responsibility to publish a medium-term forecast.

George Kerevan (East Lothian) (SNP): It is clear that even in the short term the fall in the value of the pound is triggering significant inflationary pressure across the British economy, which will hurt ordinary people in their wage packets, with an impact on industrial costs, in a way that was wholly avoidable.

Patrick Grady: My hon. Friend is absolutely right. We see no action from the Government whatsoever, other than to pretend that everything is bright and breezy. We are witnessing a bit of a false dawn.

Carol Monaghan (Glasgow North West) (SNP): In the longer term we have other issues, because many of the key shortages in science, technology, engineering and maths skills are filled by EU nationals, who simply are not getting the guarantees they need either to stay in the UK or to come here in the first place.

Patrick Grady: My hon. Friend is absolutely right. She and I share a boundary with the University of Glasgow and we know the vital contribution it makes, not only to the city but to Scotland's economy as a whole. Higher education institutes throughout the country are expressing those concerns.

Pete Wishart: My hon. Friend is making a fantastic speech, exposing the real difficulties at the heart of this bad Tory Brexit. I am trying to figure out exactly what is going on with Conservative Members. Perhaps they are opposing the economic impact assessments because they know the true nature of Brexit and the damage it will deliver. Does he agree that that seems to be the underlying reason why they are so opposed to having just a short glimpse of what Brexit will do to this country?

Patrick Grady: My hon. Friend is absolutely right. We have every right to continue to question them; after all, as I said earlier, this is what they wanted. They wanted Parliament to regain its sovereign status.

Michael Gove *rose*—

Patrick Grady: Let us hear from him.

Michael Gove: As ever, the hon. Gentleman is making an impressive speech, but I should say one thing—

Helen Goodman: No, you should not! Sit down!

Michael Gove: I should, actually—just the one. Why is it that Scotland now has to import scientists and engineers when in the 19th and early 20th century we used to export them? Is it anything to do with the drop in international league table rankings for science and mathematics that has occurred under the Scottish National party's stewardship of the education system?

Patrick Grady: First, I am not convinced that the words "import" and "export" are the right ones to use when we are talking about human beings—some of the most capable and talented human beings in the world. [Interruption.] Secondly, I hear my hon. Friend the Member for Motherwell and Wishaw (Marion Fellows), who is on the Education Committee, saying, "So is the rest of the United Kingdom." Finally, we want to welcome people to Scotland. If the Government want to devolve immigration policy to us as part of the Brexit process, they should feel free to. As has been pointed out many times in these debates, the right hon. Gentleman himself has said that immigration policy should come to Scotland so that we can attract the brightest and the best, and we are not afraid to do so.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): Having grown up in Inverness, my hon. Friend will remember the Kessock bridge well. When people come over it now, they can see the shining example of the new University of the Highlands and Islands campus there. Thanks to £200 million-worth of EU structural funds over the past 20 years, we have been growing our own scientists and academics in the area. Does he agree that it is absolutely scandalous that up to 2022 an estimated £19 million will be lost, with no impact assessment?

Patrick Grady: My hon. Friend is absolutely right. This is exactly what we are trying to achieve.

Roger Mullin (Kirkcaldy and Cowdenbeath) (SNP): In response to the right hon. Member for Surrey Heath (Michael Gove), I would say that it was because of the

failure of UK economic policy that after my brother graduated as a scientist he was forced to emigrate to Canada. He eventually became the chairman of the OECD science and technology committee and helped to write the science and technology policy for the free South Africa, yet the failure over here forced him to emigrate.

Patrick Grady: My hon. Friend makes an absolutely valid point.

Amendment 61 calls for a revised national security strategy. The existing national security strategy is based on a 2015 assessment that took no account of Brexit—*[Interruption.]* I am not sure what Government Members are so concerned about. It is completely legitimate for Opposition Members to table amendments to the Bill and it is perfectly right and proper that we have the opportunity to debate them.

Philip Boswell (Coatbridge, Chryston and Bellshill) (SNP): My hon. Friend has mentioned a long list of issues that are not being properly scrutinised in this rush to Brexit. The Government's White Paper was hastily prepared, and in haste, we make mistakes, as conceded by the right hon. Member for Surrey Heath (Michael Gove). Does my hon. and most European Friend know how to spell Liechtenstein?

Patrick Grady: Yes.

Helen Goodman *rose*—

Patrick Grady: I will give way to the hon. Lady in just one second. *[Interruption.]* Right, okay.

Helen Goodman: Does the hon. Gentleman think that perhaps the Procedure Committee should have a look at the practice of filibustering, as there are many hon. Members who want to make important speeches?

8.30 pm

The Chairman of Ways and Means (Mr Lindsay Hoyle): Order. The hon. Gentleman is speaking. I know that there has been some latitude, but I also know that he wants to get back on the subject of impacts, and that is where we are going now. Let me just say that there are seven other speakers.

Patrick Grady: The short answer to the hon. Lady regarding the Procedure Committee is, yes, I do believe that this House should introduce rules against filibustering, and, as soon as that happens, we will be happy to abide by them.

On the point about Liechtenstein, I do know how to spell it, but I will not find it by looking at page 54, chart 9.3 of the Brexit White Paper. Amendment 62 calls on the Chancellor to publish an assessment of future payments to the European Union. It is similar to new clause 143, which we want to push to a vote later on this evening, so some of the points should have been covered already.

Amendment 64 calls on the Secretary of State for Education to publish an impact assessment on her Department's responsibility in this area. We have already heard from some Members about the serious implications regarding the ability of our universities to attract talented

researchers and students in the event of the UK leaving the European Union. Figures for 2014-15 show that there were 13,450 full-time equivalent EU students studying for undergraduate degrees at Scottish universities. Frankly, almost every single one of them will have been shocked and saddened by the result on 23 June. None the less, they have appreciated the warm welcome and reassurances that have been provided to them by academic institutions up and down Scotland, by the Scottish Government and by the friends, neighbours and families who live in their cities.

Carol Monaghan: I thank my hon. Friend for giving way once again. One of the uncertainties faced by EU nationals wanting to come and study in the UK post-Brexit is what fee structure will be imposed on them, and absolutely no answers have been given on that.

Patrick Grady: My hon. Friend is absolutely correct. Again, we will continue to push the Government on that. I hope that the Minister will have some time to respond to some of these important points. I have spent a lot of time in exchanges with him in Westminster Hall, which perhaps should be renamed "Brexit Minister Hall" in due course once the Brexit process has been completed.

Michael Gove: Will the hon. Gentleman enlighten us? Has any impact assessment ever been undertaken by the Scottish Government of the impact of their education policies on participation in higher education, particularly given that the most recent statistics demonstrate that the Scottish Government's policies—

The Chairman: Order. The problem might have come from somewhere else in the Chamber, but I do not want it to be from the right hon. Gentleman. You have been around this Chamber for far too long and you know that you are way outside scope. I think that I preferred you on the Front Bench than on the Back Bench.

Patrick Grady: I think the Prime Minister might disagree with you on that, Mr Hoyle.

I want to talk more about education and health before I start to wind up. There are elements of education that are shared with the European Union. Will they also be devolved fully to the Scottish Parliament? That also applies to some aspects of health. Leaving the EU will have serious implications for the workforce of our health service. According to the Trade Union Congress, just under 50,000 citizens from the European economic area work in the NHS—9,000 doctors, 18,000 nurses, and the list goes on. Those people are a vital source of skills and experience, plugging gaps left by the underfunding of training places, especially in England and Wales, in recent years. This again is where the failure of the UK Government to guarantee the rights of EU nationals to remain and to live and work in the UK after we leave the EU is causing uncertainty and disappointment.

The UK Government have also yet to set out how they will deal with cross-border health issues after leaving the European Union.

Stuart Blair Donaldson (West Aberdeenshire and Kincardine) (SNP): I thank my hon. Friend for giving way on that point. Many people have received medical

[Stuart Blair Donaldson]

treatment abroad under the European health insurance card. That includes me, and I have the scars to prove it. Does he share my concern that we may no longer have access to the card after Brexit?

Patrick Grady: My hon. Friend makes a crucial point, which he was right to raise eloquently in the House in the run-up to the European Union referendum—*[Interruption.]* I hear dissent from Labour Members, but the reality is that these are the uncertainties and confusions. Nobody seems to know exactly the right answer, which is why we continue to press our amendments.

Neil Gray (Airdrie and Shotts) (SNP): One impact assessment that has been researched is by End Child Poverty. Its report “Feeling the Pinch” has assessed that prices are due to rise by 35% between 2010 and 2020, which will have a massive impact on the exponential rise in child poverty. Does my hon. Friend agree that impact assessments like that—of the impact on families and children—are so important, and that is why we table our amendments?

Patrick Grady: Absolutely. As I said at the beginning of my speech on these important amendments that we want the Committee to debate in full, the Brexit debate was for too long an ideological debating society game being played on the Government Benches. As the reality hits home, we are now beginning to realise the kind of consequences my hon. Friend mentions. It is important that as many of the powers and as much of the budget that are relevant and appropriate come to the Scottish Parliament as part of the Brexit process so that we can protect and defend the rights that people have enjoyed under the European Union and that are now at risk. That is why we continue to press for impact assessments.

Amendment 66 is important because it calls for the Secretary of State for Environment, Food and Rural Affairs to publish an impact assessment on her Department’s responsibilities, which, of course, include the common fisheries policy.

Stephen Gethins: Expendable.

Patrick Grady: Yes. It was decided in 1972 that the policy was somehow expendable, as my hon. Friend the Member for North East Fife (Stephen Gethins) is saying.

Mr MacNeil *rose*—

Patrick Grady: I will give way to my hon. Friend, who has a lot of experience.

Mr MacNeil: I represent probably the only constituency to reach 200 miles of the exclusive economic zone. Is there not a case not just for putting Scotland in control of fisheries, but for giving the Hebrides and island groups some power over them? We should certainly not leave them in charge of the guys in Westminster who sold them down the river once and, given this White Paper, are looking to sell them down the river yet again?

Patrick Grady: My hon. Friend is absolutely right. That is why the fishermen and women of Scotland will be particularly concerned when the Government talk

about a UK-wide approach. When the Prime Minister makes passing references to Spanish fishermen, everyone knows what she is signalling. Fishermen should not be on the table as some kind of bargaining chip. The UK Government must not sell out our fishermen as they did in 1972. They must tell us now what access arrangements they will seek to negotiate, and conduct a full impact assessment for our fishing sector.

Leaving the EU will create significant uncertainty within the agricultural sector, and the UK Government have to produce an assessment of that. It is particularly true in the case of the food and drink industry, as I am sure that hon. Members who were at the briefing from people in the food and drink industry earlier today would want to know. Some 69% of Scotland’s overseas food exports go to the European Union.

Calum Kerr (Berwickshire, Roxburgh and Selkirk) (SNP): I share my hon. Friend’s passion for the rural economy. Would he be surprised to learn that when an audience of 800 mainly English farmers at the Oxford farming conference were asked how many had confidence that DEFRA could deliver in the Brexit environment, the only hand that went up was that of the Farming Minister?

Patrick Grady: Well, there we are; I think that says it all.

Mrs Main: On a point of order, Mr Hoyle. Is an intervention not usually made by the person who wishes to intervene, rather than by the person on the Front Bench trying to invite support from his Back Benchers?

The Chairman of Ways and Means (Mr Lindsay Hoyle): If we kept that rule going, nobody would speak on either side.

Patrick Grady: The reality is that my hon. Friends have a very important role in representing the interests of their constituents. There is a reason we tabled this many amendments and why we want to partake in the procedures of this House. We have been sent down here to do a job: to scrutinise this Government and hold them to account, as the official Opposition have been almost singularly unable to do so.

Alan Brown: Is it not the case that when the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith) was on his feet, he was begging for interventions? He did it at least five times, and his hon. Friends were all laughing at the time.

The Chairman: Order. We are not getting into a debate about that. I think Mr Grady wants to come to the end of his speech, because he recognises that seven other people are waiting.

Patrick Grady: You are absolutely right, Mr Hoyle. As we know, six of my hon. Friends were waiting to be called last night, and they were unable to be called, because some people chose to vote for the programme motion and not to allow sufficient time. So I think it is important that I remain within order and that I speak to the SNP provisions in my name and those of my—

The Chairman: Order. If I was keeping everybody in order, your speech would have finished 15 minutes ago. We have latitude for all sides here tonight, so let us see how we go, but I do hope that you will recognise that others are waiting.

Patrick Grady: Thank you, Mr Hoyle. I do recognise that.

Margaret Ferrier (Rutherglen and Hamilton West) (SNP): Does my hon. Friend agree that an impact assessment on the justice system is crucial because our membership of Europol, Eurojust, the European arrest warrant and other key areas of co-operation on security matters remains at risk following a hard Tory Brexit?

Patrick Grady: That is exactly what amendment 67 calls for. Members can see that my hon. Friend has read all our amendments and is prepared to debate them on the Floor of the House. Justice issues are particularly important. Where will the Government be on the European convention on human rights? Where will their Bill of Rights be? How will all of that interact with the instruments of justice in the European Union that my hon. Friend speaks of?

Amendment 68 calls for the Home Secretary to publish an impact assessment on her Department's responsibilities. We heard about immigration earlier. Is that responsibility going to be devolved to the Scottish Parliament, as the right hon. Member for Surrey Heath called for during the campaign? Our membership of Europol, our participation in the European arrest warrant and other key areas of co-operation on security remain at serious risk following Brexit, and that is why we need an impact assessment on the role of the Home Office.

Likewise, amendment 69 calls for the Secretary of State for Defence to publish an impact assessment on his Department's responsibilities. As I said on Second Reading, we are at risk of being left with Trump, Trident and a transatlantic tax treaty. At this rate, Trump and Trident will be the beginning and end of the UK's security policy.

Lucy Frazer: Does the hon. Gentleman have a timetable for how long it would take to conduct all these impact assessments?

Patrick Grady: I am absolutely certain that these impact assessments can run in parallel, but the hon. and learned Lady touches on an important point, which goes to the heart of all these points about impact assessments and the capacity of the UK Government to deal with all of this. There is an impact on the whole machinery of government—

Nadine Dorries (Mid Bedfordshire) (Con): Will the hon. Gentleman give way?

Patrick Grady: If the hon. Lady wants to talk to me about the machinery of government, I will be happy to take her intervention.

Nadine Dorries: Does the hon. Gentleman know exactly how much these impact assessments would cost the taxpayer?

Patrick Grady: That is exactly the point. The whole machinery of government is going to be tied up for years and years—this was supposed to be about taking back control. The reality is that, if the Government do not accept these amendments and do not do these things before article 50 is triggered, they will have to do them afterwards. They are simply going to have to figure out how Brexit impacts on every single Government Department. The whole machinery of government will have to be reformed—it stands to reason. So they can do what we propose before triggering article 50 and have some kind of certainty, or they can do it afterwards and the complete chaos can continue.

Mr MacNeil: Will my hon. Friend give way?

Patrick Grady: I think we need to continue looking at the various proposals.

Michael Gove: Will the hon. Gentleman give way?

Patrick Grady: I think we have heard enough from the former Justice Secretary for now.

The point made by the hon. Member for Mid Bedfordshire (Nadine Dorries) is exactly what amendment 70 touches on. It calls on the Chancellor to publish an impact assessment on his Department's responsibilities. The responsibility of the Treasury will change quite significantly. As we heard from the Brexiteers throughout the campaign, the Treasury currently channels all this money into the European Union. It is going to have to reabsorb that money and have the structures to apportion it back out to lots of different Government Departments.

Deidre Brock (Edinburgh North and Leith) (SNP): My hon. Friend is doing a fantastic job of outlining a series of important areas that are likely to be greatly impacted on financially by the UK leaving the EU. Does he agree that the assessments we are calling for are the very least one should expect from any responsible Chancellor of the Exchequer?

Patrick Grady: My hon. Friend is absolutely right. An impact assessment, by definition, is more than simply something printed on the side of a bus.

Mr MacNeil: The argument put forward by the hon. Lady from England somewhere—the hon. Member for Mid Bedfordshire (Nadine Dorries)—is quite strange. It is akin to the person who says, "Given the cost of buying a map, isn't it far better that we stumble around in the dark?" That is the argument against impact assessments: do not buy a map, stumble in the dark.

8.45 pm

Patrick Grady: Exactly.

Talking of maps, my hon. Friend brings me to amendment 71, which calls for the Foreign Secretary to publish an impact assessment on his Department's responsibilities. We need clarity on the working relationships and the division of labour between the Foreign and Commonwealth Office and the Department for Exiting the European Union, especially as regards the UK's permanent representation at the European Union, which we have to assume will continue in some form.

Stephen Gethins: It will be bigger.

Patrick Grady: Indeed—

Mr Rees-Mogg *rose*—

Patrick Grady: Does the hon. Gentleman welcome the fact that UKRep will probably have to get bigger? Does he welcome more UK bureaucrats in Brussels?

Mr Rees-Mogg: I hope that UKRep will be very slim. The hon. Gentleman is surely now suggesting the most pointless of all his impact assessments, because the Department for Exiting the European Union will cease to exist at the end of the process, and therefore having an impact assessment on what it might do before the process has ended is otiose beyond measure.

Patrick Grady: I am afraid that the hon. Gentleman has clearly not read the amendment. The amendment calls for the Foreign Secretary to publish an impact assessment that will include, but not exclusively, his relationships with the Department for Exiting the European Union.

Amendment 72—perhaps the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith) will want to intervene on this—calls on the Secretary of State for Work and Pensions to publish an impact assessment on his responsibilities. The Scottish Government are seeking to give people in Scotland reassurances that they are allowed live and work here.

Michael Gove *rose*—

Patrick Grady: No, I am not giving way.

One of the key agreements of the UK's renegotiation in earlier years was that the UK would be able to establish a four-year period before non-UK EU nationals have access to in-work benefits such as tax credits, child benefit and housing benefit. It is unclear whether the new deal that is done with the EU will enable the UK to impose such restrictions. The Scottish Government did not approve of the proposal and would want to seek different arrangements if they could. Again, there is a question about whether these powers will be devolved to the Scottish Parliament. There were only two pages—

Michael Gove: Will the hon. Gentleman give way?

Patrick Grady: No, I am not giving way to the right hon. Gentleman.

The token total of two pages on securing rights for EU nationals is telling about the UK Government's real priorities.

Amendment 73 calls for the Secretary of State for International Trade to publish an impact assessment on his Department's responsibilities. Trade policy is currently under EU competence, and leaving the EU single market and customs union would mean that it fell under the responsibility of the UK Government. The Secretary of State therefore needs to outline how his Department is going to make use of its new competence over trade policy.

Kevin Foster (Torbay) (Con) *rose*—

Patrick Grady: If the hon. Gentleman can tell me that, I will be happy to hear from him.

Kevin Foster: The hon. Gentleman is certainly giving a speech that is great in length. On amendment 73, would he suggest that the assessment by the Department for International Trade should include the potential impact of having to deal with Scotland outside the UK single market as an international trade partner?

Patrick Grady: Conveniently, we have heard from the Prime Minister in recent days about her support for friction-free travel and friction-free trade across the islands of the United Kingdom, so I have every confidence that when Scotland becomes an independent country—

Mary Creagh: On a point of order, Mr Hoyle. I wonder whether you can advise me. There are seven other hon. Members waiting to speak in this debate, including me, as a Select Committee Chair wanting to share with Members the scrutiny of our cross-party Committee. Does the time limit for this debate not indicate that important assessments on areas such as the environment and agriculture will not be heard by the Committee tonight? Can you send a message to the Lords to make sure that they do the job that this House is incapable of doing?

The Chairman of Ways and Means (Mr Lindsay Hoyle): We can enter into an argument about it, but the House decided on a programme motion, and unfortunately some people are a victim of that.

Mr MacNeil: On a point of order, Mr Hoyle.

The Chairman: Are we serious?

Mr MacNeil: Yes. I seek your guidance, Mr Hoyle. Is it in order for Members who abstained on the programme motion to complain about the programme, when they have taken no part in it?

The Chairman: I knew that my instinct was correct, and that that was not a point of order.

Patrick Grady: I take the point that the hon. Member for Wakefield (Mary Creagh) is making, and I believe she is indicating that she joined us in the Lobby to vote against the programme motion. I agreed with the point made by my friend from the Procedure Committee. We are all in favour of reform of this House. As it is, we will use the procedures of the House to hold the Government to account.

Amendment 74 calls for the Secretary of State for Business, Energy and Industrial Strategy to publish an impact assessment on his Department's responsibilities. The vote to leave the European Union has plunged our business and energy sector into further uncertainty.

Nadine Dorries: On a point of order, Mr Hoyle. The Scottish National party has now been here for almost two years. That is sufficient time to have learned some of the manners and the protocol of the Chamber, which includes referring to Members by their—

The Chairman: Order. As a member of the Panel of Chairs, you know that you are not making a point of order.

Patrick Grady: That is an interesting point. The hon. Lady is sitting where a couple of other Members are accustomed to sit on Friday afternoons, and we have watched them rise and talk out private Member's Bill after private Member's Bill. So I will not hear Members of the Conservative party complaining about the legitimate use of the procedures of the House. We have tabled amendments. We went up to the Table Office and lodged amendments in precise accordance with the rules of the House, and we have every right to stand here and explain to the House the importance of our amendments.

Mr Rees-Mogg *rose*—

Patrick Grady: If the hon. Gentleman wants to talk to me about my amendments, I will be happy to listen to him.

Mr Rees-Mogg: I entirely agree with the hon. Gentleman. He is completely right to use the procedures of the House as they allow, and, if he carries on like this, he will reach the heights attained by my hon. Friend the Member for Shipley (Philip Davies). [*Interruption.*]

Patrick Grady: I hope I am not hearing applause from Conservative Members, because that would be a breach of order.

It is important that we consider our amendment about BEIS, because the vote to leave the EU has plunged the business and energy sectors into further uncertainty.

Alan Brown: I reiterate that we are speaking to the amendments that we have tabled. One of the better productions from the UK Government is the Green Paper "Building our Industrial Strategy", published by BEIS. The Green Paper highlights the challenges in skills gaps, in productivity and in research and development. It does not mention the challenge of leaving Europe, and it does not mention that leaving Europe is even an opportunity. That proves the need for an impact assessment from BEIS—

The Chairman: Order. Let us be a little bit fair. We understand what is going on. In the end, interventions have got to be shorter for Mr Grady to get towards the end of his speech.

Patrick Grady: I outlined at the start of my speech the amendments that we tabled. My hon. Friend makes a good point. We have spoken about the uncertainty caused by Euratom, which was, I accept, covered in important detail by Labour Members.

Chris Stephens (Glasgow South West) (SNP): Is not amendment 74 the most important one, because it includes workers' rights? Many of us view the Government's attitude to workers' rights with great suspicion.

Patrick Grady: Absolutely; indeed, an entire new schedule on workers' rights has been tabled.

Amendment 75 calls on the Secretary of State for Communities and Local Government to publish an impact assessment on his Department's responsibilities. Local government throughout the UK receives a host of funding from the European Union, not least the structural funds that we have heard about many times.

Alison Thewliss (Glasgow Central) (SNP): Does my hon. Friend agree that with so many regulations being implemented by local government in areas such as food protection and waste disposal, local government needs to know what form those will take once we leave the EU?

Patrick Grady: My hon. Friend is absolutely right, and that is why we have tabled amendments calling for impact assessments.

Amendment 76 calls on the Secretary of State for International Development to publish an impact assessment on her Department's responsibilities. Again, we need clarity and a full commitment to 0.7% of gross national income going to overseas development. That is similar to the amendment in my name, amendment 58, which I have already spoken about.

Amendment 77 calls on the Secretary of State for Culture, Media and Sport to publish an impact assessment.

Michael Gove: Will the hon. Gentleman give way?

Patrick Grady: No—which is exactly what the right hon. Gentleman said to me on Second Reading.

The UK Government need to clarify what involvement the EU's digital single market, which is vital for supporting highly paid jobs in an exciting growth sector, will have. They have been completely silent on the digital single market, which will be one of the most important sectors of our economy—like tourism, which also comes under the remit of the DCMS. Approximately 20,000 EU nationals work in Scotland's hospitality sector—12% of the total. What will be the impact on them?

Amendment 79 calls for the Chancellor to publish a report on matters relating to the pensions of UK nationals living and working in the European Union. Again, that is an area of great uncertainty, and I have heard about it from my own constituents. Some 400,000 UK nationals living in the EU receive a pension from the United Kingdom Government, and they are incredibly concerned about the impact of Brexit. The Government have done nothing to reassure them.

Amendment 80, one of the most important, calls on the Government to publish an equality impact assessment. We heard earlier from the hon. Member for Streatham (Mr Umunna) about the whole range of minority and interest groups in our society—faith groups, LGBT groups and so on—that are completely absent from the UK Government's White Paper. That is why it is important that we hear about them in an impact assessment.

Kirsten Oswald (East Renfrewshire) (SNP): Does my hon. Friend agree that the Government's failure to include an equality impact assessment is very distressing? It is completely contrary to their words of support for equality, which are so often let down by their actions.

Patrick Grady: Of course. Equalities are at the heart of the European project, which the Brexiteers have wanted to rip us away from.

Amendment 82 calls for a regional and national economic impact assessment.

John Mc Nally (Falkirk) (SNP): Why do we need an impact assessment? Well, right now chemical manufacturers and importers from non-EU countries are using the UK as a base from which they can guide chemicals through the REACH programme through the appointment of a UK-based only representative. When the UK leaves the EU, only representatives will no longer be able to be based here. Does my hon. Friend agree that that will incentivise—

The Chairman: Order. We wanted short interventions.

Patrick Grady: It will not surprise the House to hear that I entirely agree with my hon. Friend. The single market has allowed Scotland's economy to flourish over all these years, and that is now at stake in a hard Tory Brexit.

Finally, new clause 138 addresses trade agreements. We have heard the FCO and the Department for International Trade boasting in public about new trade agreements that the UK will sign after it leaves the EU. Of course, it cannot sign them until it has left. That is why the Government have to be transparent and report on which trade agreements they are working on and give details on the nature and terms of those deals. It is crucial that the UK Government inform and consult Parliament in their ongoing trade talks and allow scrutiny throughout the process.

Mr MacNeil: Of nearly 200 members of the United Nations, only six states are outwith a regional trade agreement. The UK is to become the seventh, joining the likes of Mauritania and East Timor. Does my hon. Friend share my concerns and those of the chemical industry about where that leaves us and everybody else involved? The UK is going headlong towards a cliff in joining countries as small as those.

Patrick Grady: My hon. Friend is absolutely right. I hope that by examining in detail these vital new clauses and amendments tabled by Scottish National party Members, the Government will begin to understand how seriously we are taking this issue.

Stephen Gethins: My hon. Friend has made excellent points about the amendments and about how many there are. Does that not underline the woeful lack of time given to this entire process in respect of article 50?

Patrick Grady: Absolutely. As has been pointed out, we had more time to discuss the Scotland Bill. That will now probably not be the last legislation on Scotland; I see that the Secretary of State for Scotland has taken his place. He will probably have to steer through another Scotland Bill during this Parliament as a result of Brexit, to give us all the powers he promised he would.

This is only the beginning. The Government want to bring forward the great repeal Bill, increasingly known as “the great power grab”. They must be willing to stand up to the scrutiny of the House. We have been

sent here to do a job, and that is what we have done this evening with our amendments. That is what we will continue to do during the passage of this Bill and all the future legislation that comes with Brexit. [*Interruption.*]

The Chairman: Order. Let us move on, and let us keep going. I call the Minister.

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): What a remarkable debate this has been. I congratulate the hon. Member for Glasgow North (Patrick Grady) on speaking for 58 minutes and for the ingenuity with which he made sure that the Committee heard so many Scottish voices. It will be clear to those who read the record that the voice of Scotland has been heard loud and clear in scrutinising this Bill.

I congratulate the hon. Member for Greenwich and Woolwich (Matthew Pennycook) on making a clear and concise speech. Indeed, other hon. Gentlemen in the Chamber could have learned from his conciseness.

9 pm

It was a pleasure to hear the usual brilliance from my right hon. Friend the Member for Surrey Heath (Michael Gove) and the hon. Member for Streatham (Mr Umunna), but at times it felt a little like they were refighting the referendum. I am sure neither of them would have intended to do that, because they want us to move on with the process and bring people together.

The House has voted repeatedly that the Government should do nothing to undermine the negotiating position of the UK. The new clauses and amendments would all require the Government to publish some form of assessment of the implications of the UK's exit from the European Union or particular aspects of it, from the single market, to the environment, to research and development.

Let us not forget what this very straightforward Bill is about. It is about respecting the decision taken in the referendum—a referendum that saw a lengthy and wide-ranging public debate about the impact of remaining in or leaving the EU. The Bill is not about whether we leave the EU or how; it simply allows the Government to implement the decision taken by the people of the United Kingdom in the referendum following that long campaign.

As the Committee knows, the Government are carrying out a wide-ranging programme of analysis relating to our exit from and our future relationship with the European Union. That analysis will be used to underpin our exit negotiations with the EU, to define the future partnership with the EU and to inform our understanding of how EU exit will affect our domestic policies.

Caroline Lucas: Will the Minister give way?

Mr Walker: I will come back to the hon. Lady later, because I suspect she wants to address environmental issues and I will come to those in my speech.

Our programme of analysis is important in enabling us to seize the opportunities and in ensuring that our EU exit is a smooth and orderly process. As we discussed yesterday, the Joint Ministerial Committee on exit negotiations was set up to develop a UK-wide approach to the forthcoming negotiations. I know that analysis has been and can be exchanged confidentially through

that forum. The Committee should be in no doubt that policy relating to EU exit is underpinned by rigorous and extensive analytical and assessment work. As with all internal analytical work in government, it is not the standard practice to give a public commentary as the analysis develops.

We have said all along that we will lay out as much detail as possible on EU exit, provided that doing so does not risk damaging our negotiating position. The House voted on a motion that confirmed that there should be no disclosure of material that could damage the UK in negotiations. In any negotiation, information on potential economic or financial considerations is very important to the negotiating capital and position of all parties.

Most of the new clauses and amendments would require the Government to publish analysis or assessment work before the process of negotiating with our European Union partners begins and, indeed, before the Prime Minister provides a notification under article 50, as Government Members have pointed out repeatedly. Those include new clause 5, which stands in the names of the Leader of the Opposition and many other Members; new clause 49, which stands in the names of the hon. Member for Pontypridd (Owen Smith) and many other Members; and new clause 143, which stands in the name of the hon. Member for North East Fife (Stephen Gethins) and many other SNP Members; as well as more than 40 other proposals that I do not intend to list. The common requirement is that we publish information at a time when it could either delay the triggering of article 50 or jeopardise the UK's negotiating position. That runs contrary to the approach that has already been accepted by this House. For that reason, I cannot accept those new clauses and amendments.

I want to touch briefly on amendments 24 to 26, which were tabled by the hon. Member for Ilford South (Mike Gapes) to ensure that the Government take account of our responsibilities to represent the interests of Gibraltar, the Crown dependencies and the overseas territories. I assure him that we are doing exactly that. The amendments are not necessary. I met the members of the Joint Ministerial Council for the overseas territories this morning to take their views on board in this process.

Mike Gapes (Ilford South) (Lab/Co-op): Given that I was not able to make a speech, I am very grateful to be able to intervene. Is it not the case that we need more than a personal consultation with the Minister? This House and this Parliament should be aware of the implications for the overseas territories, the Crown dependencies and Gibraltar.

Mr Walker: The hon. Gentleman makes a very fair point. I am very pleased to say to him that the very first debate I replied to as a Minister—the hon. Member for Glasgow North (Patrick Grady) was kind enough to name Westminster Hall “Brexit Minister Hall”, because of the number of debates we have had there on this issue—was on Gibraltar and the impact of leaving the European Union. Colleagues across the House represent the interests of Gibraltar extremely well. I have had regular and productive meetings with the Chief Minister of Gibraltar, Fabian Picardo, who has made sure that its voice is heard very clearly by the UK Government. All the Chief Ministers of the overseas territories are being consulted, as are the Crown dependencies.

As a former Parliamentary Private Secretary to the Secretary of State for Women and Equalities, I welcome the interest in new clause 98, which makes reference to the Equality Act 2010 and protected characteristics. We are, of course, assessing a wide range of impacts as we develop our negotiating position, and we will continue to do so throughout the negotiation period. The Equality Act already provides a strong framework to ensure that the UK is well placed to continue driving equality forward. I assure the Committee that all the protections covered in the Equality Act 2006 and the Equality Act 2010 will continue to apply once the UK has left the European Union.

The Prime Minister has been clear: we want the UK to emerge from this period of change stronger, fairer, and more united and outward-looking than ever before. We want to get the right deal abroad, but ensure we get a better deal for ordinary working people at home. In the White Paper, we set out our ambition to use this moment of change to build a stronger economy and a fairer society by embracing genuine economic and social reform.

New clauses 42 to 48 and new clause 187 were tabled by the hon. Member for Bishop Auckland (Helen Goodman) who, sadly, is no longer in her place. What they have in common is a requirement for the Government to publish impact assessments no later than 18 months after Royal Assent. We cannot know, however, that 18 months after Royal Assent we will not still be engaged in negotiations with the European Union. If we were, those negotiations might be at an important and decisive stage. The new clauses could significantly jeopardise our negotiating position, so I hope the hon. Lady will not press them.

Similarly, new clause 167, in the name of the hon. Member for Feltham and Heston (Seema Malhotra), requires publication no later than 12 months after Royal Assent, and new clause 17, in the name of the hon. Member for Nottingham East (Chris Leslie), specifies publication 30 days after the Act comes into force. In each case, I reiterate and amplify my previous objection that the United Kingdom might well be in the middle of negotiations with the European Union.

I turn now to the new clauses tabled by the hon. Member for Penistone and Stocksbridge (Angela Smith) and others, including new clauses 101, 102, 103, 106 and 107. I would be happy to give way to the hon. Member for Brighton, Pavilion (Caroline Lucas) on the matter of the environment at this point.

Caroline Lucas: Will the Minister acknowledge that moving environmental policy from the EU to domestic policy through the repeal Bill will not be enough on its own? We need to make it enforceable and monitorable. What legal measures will he put in place to ensure we can enforce environmental legislation? While I have his attention, and at the risk of challenging his stereotype, how does he plan to replace the nuclear safety function if we recklessly leave Euratom?

Mr Walker: The hon. Lady raises very important points, which we will debate in detail when we come to the great repeal Bill. On Euratom, we absolutely want to continue to collaborate internationally to achieve the best and highest standards of nuclear safety, as well as to continue to work on nuclear research, where our country has been a global leader.

[Mr Robin Walker]

On the environment, the Prime Minister made very clear in her speech that Parliament will have the opportunity to debate and scrutinise any policy changes that result from our exit and the forthcoming negotiations. I have given evidence to the Environmental Audit Committee and have appeared before the House on a number of occasions. I have been clear that the UK will still seek to be an international leader on environmental co-operation. As part of the great repeal Bill, as the hon. Lady says, we will bring current EU law, including the current framework of environmental regulation, into domestic British law. We will ensure that that law has practical effect. This will preserve protections, and any future changes in the law will be subject to full parliamentary scrutiny. This House will therefore have the opportunity to debate this and other topics throughout the process.

That and future debates will no doubt draw on many assessments of what leaving the EU will mean for a wide variety of issues. The Government will also shortly be launching two closely linked Green Papers on food, farming and fisheries, and on the environment. They will be the next important stage in our dialogue on future policy with industry, environmental non-governmental organisations and the wider public.

No one can say what the final elements of the new agreement with the EU will be, and we do not know exactly how the timetable will work after negotiations are concluded. Parliament will have its say, but so too will others. Greater certainty will emerge as we go through the process, but for now there remain unknowns. For these reasons, we do not consider it wise or prudent to fix now in statute what the Government must publish at the end of a process that has not even begun or been timetabled. Doing so would constrain the flexibility of the UK Government at the end of the process and therefore potentially during negotiations. I come back to the simple purpose of the Bill—to allow the process of negotiation to begin and, in so doing, to respect the decision of the people of the UK in the referendum.

New clause 167, on young people, was also tabled by the hon. Member for Feltham and Heston, who unfortunately has had to leave us. I recently participated in a roundtable, along with colleagues from the Department for Culture, Media and Sport, with a wide range of young people from all over the country—from Scotland, Northern Ireland, Wales and England—to talk about their views on Brexit. It was interesting to hear from groups such as Undivided, bringing people together from both sides of the campaign to talk about the future. Every Member wants to focus on delivering a bright future for the young people of the UK, so I welcome the intention behind the new clause, but we can do that by coming together to represent the 100%, focusing on the future, getting the right deal for the UK in a new partnership with the EU and working together to deliver the opportunities those young people want.

Unfortunately, the new clause would require us to produce an economic analysis and so put us in the position of potentially giving information to the other side in the negotiations that could prejudice our position. The new clause also mentions the importance of Erasmus. The Government recognise the value of international exchange for students and are considering all the options for collaboration in education and training post-Brexit.

In the spirit of looking to the future, however, we should not use the Bill to publish information that could undermine our negotiating position.

For all the reasons I have set out, I hope that hon. Members concerned will not press their amendments. We will produce careful assessments of the vast majority of these factors as we prepare for and take part in the negotiations, and we will use them as evidence to protect the national interests of the United Kingdom, but we cannot and should not commit to putting that information into the hands of the other side. Well intentioned as the amendments are, I urge the Committee to reject them so that we can get on with the Bill in the interests of the whole United Kingdom.

Matthew Pennycook: In responding, I shall be as concise as I was earlier and simply say that although the Minister has said that the Government are internally carrying out rigorous analytical assessments, he has not given us the guarantees we sought on the publication of Her Majesty's Treasury's impact assessments of our future trading relations with the EU. For that reason, we will be pushing new clause 5 to a vote.

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

The Committee divided: Ayes 281, Noes 337.

Division No. 143]

[9.13 pm

AYES

Abbott, Ms Diane	Cadbury, Ruth
Abrahams, Debbie	Cameron, Dr Lisa
Ahmed-Sheikh, Ms Tasmina	Campbell, rh Mr Alan
Alexander, Heidi	Carmichael, rh Mr Alistair
Ali, Rushanara	Champion, Sarah
Allen, Mr Graham	Chapman, Douglas
Allin-Khan, Dr Rosena	Chapman, Jenny
Anderson, Mr David	Cherry, Joanna
Arkless, Richard	Clegg, rh Mr Nick
Ashworth, Jonathan	Clwyd, rh Ann
Austin, Ian	Coaker, Vernon
Bailey, Mr Adrian	Coffey, Ann
Bardell, Hannah	Cooper, Rosie
Barron, rh Sir Kevin	Cooper, rh Yvette
Beckett, rh Margaret	Corbyn, rh Jeremy
Benn, rh Hilary	Cowan, Ronnie
Berger, Luciana	Coyle, Neil
Betts, Mr Clive	Crausby, Sir David
Black, Mhairi	Crawley, Angela
Blackford, Ian	Creagh, Mary
Blackman, Kirsty	Creasy, Stella
Blackman-Woods, Dr Roberta	Cruddas, Jon
Blenkinsop, Tom	Cryer, John
Blomfield, Paul	Cummins, Judith
Boswell, Philip	Cunningham, Alex
Brabin, Tracy	Cunningham, Mr Jim
Bradshaw, rh Mr Ben	Dakin, Nic
Brake, rh Tom	David, Wayne
Brennan, Kevin	Davies, Geraint
Brock, Deidre	Day, Martyn
Brown, Alan	De Piero, Gloria
Brown, Lyn	Docherty-Hughes, Martin
Brown, rh Mr Nicholas	Donaldson, Stuart Blair
Bryant, Chris	Doughty, Stephen
Buck, Ms Karen	Dowd, Jim
Burden, Richard	Dowd, Peter
Burgon, Richard	Dromey, Jack
Burnham, rh Andy	Dugher, Michael
Butler, Dawn	Durkan, Mark
Byrne, rh Liam	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
 Fitzpatrick, Jim
 Ffello, Robert
 Fletcher, Colleen
 Flint, rh Caroline
 Flynn, Paul
 Fovargue, Yvonne
 Foxcroft, Vicky
 Furniss, Gill
 Gapes, Mike
 Gardiner, Barry
 Gethins, Stephen
 Gibson, Patricia
 Giindon, 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
 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
 MacNeil, Mr Angus Brendan
 Mactaggart, rh Fiona
 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
 McMahan, Jim
 Meale, Sir Alan
 Miliband, rh Edward
 Monaghan, Carol
 Monaghan, Dr Paul
 Moon, Mrs Madeleine
 Morden, Jessica
 Morris, Grahame M.
 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, Jonathan
 Rimmer, Marie
 Ritchie, Ms Margaret

Robertson, rh Angus
 Robinson, Mr Geoffrey
 Rotheram, Steve
 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, Angela
 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, 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
 Boles, Nick
 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
 Campbell, Mr Ronnie
 Carmichael, Neil
 Carswell, Mr Douglas
 Cartledge, 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
 Dinéage, 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 Frank
 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
 Gray, James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Grieve, rh Mr Dominic
 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
 Mak, Mr Alan
 Malthouse, Kit
 Mann, Scott
 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
 Metcalfe, Stephen
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Mordaunt, Penny
 Morgan, rh Nicky

Morris, Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Mowat, David
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, Caroline
 Norman, Jesse
 Nuttall, Mr David
 Offord, Dr Matthew
 Opperman, Guy
 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, Gavin
 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
 Spencer, Mark
 Stephenson, Andrew
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Streeter, Mr Gary
 Stride, Mel
 Stringer, Graham
 Stuart, rh Ms Gisela
 Stuart, Graham
 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
 Tyrrie, rh 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
 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:
Heather Wheeler and
Andrew Griffiths

Question accordingly negated.

9.28 pm

More than seven hours having elapsed since the commencement of proceedings, the proceedings were interrupted (Programme Order, 1 February).

The Chair put forthwith the Question necessary for the disposal of the business to be concluded at that time (Standing Order No. 83D).

New Clause 143

FINANCIAL LIABILITY OF THE UK TOWARDS THE EU

“The Prime Minister may not exercise the power under section 1 until the Chancellor of the Exchequer has—

- (a) published an assessment of the financial liability of the UK towards the EU following the United Kingdom’s withdrawal from the European Union, and
- (b) made a statement to the House of Commons on the economic impact of the United Kingdom leaving the single market.”—(*Stephen Gethins.*)

Brought up.

Question put, That the clause be added to the Bill.

The Committee divided: Ayes 79, Noes 333.

Division No. 144]

[9.28 pm

AYES

Ahmed-Sheikh, Ms Tasmina	MacNeil, Mr Angus Brendan
Arkless, Richard	Maskell, Rachael
Bardell, Hannah	Mc Nally, John
Black, Mhairi	McCaig, Callum
Blackford, Ian	McDonald, Stewart Malcolm
Blackman, Kirsty	McDonald, Stuart C.
Boswell, Philip	McDonnell, Dr Alasdair
Brake, rh Tom	McGarry, Natalie
Brock, Deidre	McLaughlin, Anne
Brown, Alan	Monaghan, Carol
Cameron, Dr Lisa	Monaghan, Dr Paul
Carmichael, rh Mr Alistair	Mulholland, Greg
Chapman, Douglas	Mullin, Roger
Cherry, Joanna	Newlands, Gavin
Clegg, rh Mr Nick	Nicolson, John
Cowan, Ronnie	O’Hara, Brendan
Coyle, Neil	Olney, Sarah
Crawley, Angela	Oswald, Kirsten
Creasy, Stella	Paterson, Steven
Davies, Geraint	Pugh, John
Day, Martyn	Ritchie, Ms Margaret
Docherty-Hughes, Martin	Robertson, rh Angus
Donaldson, Stuart Blair	Salmond, rh Alex
Durkan, Mark	Saville Roberts, Liz
Edwards, Jonathan	Sheppard, Tommy
Farrelly, Paul	Siddiq, Tulip
Farron, Tim	Smith, Owen
Ferrier, Margaret	Stephens, Chris
Gapes, Mike	Thewliss, Alison
Gethins, Stephen	Thomson, Michelle
Gibson, Patricia	Weir, Mike
Grady, Patrick	Whiteford, Dr Eilidh
Grant, Peter	Whitford, Dr Philippa
Gray, Neil	Williams, Hywel
Hendry, Drew	Williams, Mr Mark
Hermon, Lady	Wilson, Corri
Hosie, Stewart	Wishart, Pete
Kerevan, George	
Kerr, Calum	
Lamb, rh Norman	
Law, Chris	
Lucas, Caroline	

Tellers for the Ayes:
Marion Fellows and
Owen Thompson

NOES

Adams, Nigel	Argar, Edward
Afriyie, Adam	Atkins, Victoria
Aldous, Peter	Bacon, Mr Richard
Allan, Lucy	Baker, Mr Steve
Allen, Heidi	Baldwin, Harriett
Amess, Sir David	Barclay, Stephen
Andrew, Stuart	Baron, Mr John
Ansell, Caroline	Bebb, Guto

Bellingham, Sir Henry	Ellison, Jane
Benyon, Richard	Ellwood, Mr Tobias
Beresford, Sir Paul	Elphicke, Charlie
Berry, Jake	Eustice, George
Berry, James	Evans, Graham
Bingham, Andrew	Evans, Mr Nigel
Blackman, Bob	Evennett, rh David
Blackwood, Nicola	Fabricant, Michael
Blunt, Crispin	Fallon, rh Sir Michael
Boles, Nick	Fernandes, Suella
Bone, Mr Peter	Field, rh Frank
Borwick, Victoria	Field, rh Mark
Bottomley, Sir Peter	Foster, Kevin
Bradley, rh Karen	Fox, rh Dr Liam
Brady, Mr Graham	Francois, rh Mr Mark
Brazier, Sir Julian	Frazer, Lucy
Bridgen, Andrew	Freeman, George
Brine, Steve	Freer, Mike
Brokenshire, rh James	Fuller, Richard
Bruce, Fiona	Fysh, Marcus
Buckland, Robert	Garnier, rh Sir Edward
Burns, Conor	Garnier, Mark
Burns, rh Sir Simon	Gauke, rh Mr David
Burrowes, Mr David	Ghani, Nusrat
Burt, rh Alistair	Gibb, rh Mr Nick
Cairns, rh Alun	Gillan, rh Mrs Cheryl
Campbell, Mr Gregory	Glen, John
Carmichael, Neil	Goodwill, Mr Robert
Carswell, Mr Douglas	Gove, rh Michael
Cartlidge, James	Graham, Richard
Cash, Sir William	Gray, James
Caulfield, Maria	Grayling, rh Chris
Chalk, Alex	Green, Chris
Chishti, Rehman	Green, rh Damian
Chope, Mr Christopher	Greening, rh Justine
Churchill, Jo	Grieve, rh Mr Dominic
Clark, rh Greg	Gummer, rh Ben
Cleverly, James	Gyimah, Mr Sam
Clifton-Brown, Geoffrey	Halfon, rh Robert
Coffey, Dr Thérèse	Hall, Luke
Collins, Damian	Hammond, rh Mr Philip
Colville, Oliver	Hammond, Stephen
Costa, Alberto	Hancock, rh Matt
Courts, Robert	Hands, rh Greg
Cox, Mr Geoffrey	Harper, rh Mr Mark
Crabb, rh Stephen	Harrington, Richard
Crouch, Tracey	Harris, Rebecca
Davies, Byron	Hart, Simon
Davies, Chris	Haselhurst, rh Sir Alan
Davies, David T. C.	Hayes, rh Mr John
Davies, Glyn	Heald, rh Sir Oliver
Davies, Dr James	Heapey, James
Davies, Mims	Heaton-Harris, Chris
Davies, Philip	Heaton-Jones, Peter
Davis, rh Mr David	Henderson, Gordon
Dinagen, Caroline	Hinds, Damian
Djanogly, Mr Jonathan	Hoare, Simon
Dodds, rh Mr Nigel	Hollern, Kate
Donaldson, rh Sir Jeffrey M.	Hollingbery, George
Donelan, Michelle	Hollinrake, Kevin
Dorries, Nadine	Hollobone, Mr Philip
Double, Steve	Holloway, Mr Adam
Dowden, Oliver	Hopkins, Kelvin
Doyle-Price, Jackie	Hopkins, Kris
Drax, Richard	Howarth, Sir Gerald
Drummond, Mrs Flick	Howell, John
Duddridge, James	Howlett, Ben
Duncan, rh Sir Alan	Huddleston, Nigel
Duncan Smith, rh Mr Iain	Hunt, rh Mr Jeremy
Dunne, Mr Philip	Hurd, Mr Nick
Elliott, Tom	Jackson, Mr Stewart
Ellis, Michael	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
Mathias, Dr Tania
Maynard, Paul
McCartney, Jason
McCartney, Karl
McLoughlin, rh Sir Patrick
McPartland, Stephen
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Mordaunt, Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mowat, David
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
Nuttall, Mr David

Offord, Dr Matthew
Opperman, Guy
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, Gavin
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
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Streeter, Mr Gary
Stride, Mel
Stuart, rh Ms Gisela
Stuart, Graham
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
Tyrie, rh 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
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:
Heather Wheeler and
Andrew Griffiths

Question accordingly negated.

The occupant of the Chair left the Chair (Standing Order No. 83D).

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)),

PUBLIC SERVICE PENSIONS

That the draft Pension Schemes Act 2015 (Judicial Pensions) (Consequential Provision) Regulations 2017, which were laid before this House on 16 January, be approved.—(*Chris Heaton-Harris.*)

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

TRADE UNIONS

That the draft Trade Union Act 2016 (Political Funds) (Transition Period) Regulations 2017, which were laid before this House on 5 December, be approved.—(*Chris Heaton-Harris.*)

The Deputy Speaker's opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 8 February (Standing Order No. 41A).

EUROPEAN UNION DOCUMENTS

Motion made, and Question put forthwith (Standing Order No. 119(11)),

COMPREHENSIVE ECONOMIC TRADE AGREEMENT BETWEEN THE EU AND CANADA

That this House has considered European Union Documents No. 10968/16 and Addenda 1 to 16, a Proposal for a Council Decision on the signing of the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States, No. 10969/16 and Addenda 1 to 16, a Proposal for a Council Decision on the provisional application of the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States, and No. 10970/16 and Addenda 1 to 16, a Proposal for a Council Decision on the conclusion of the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States.—(*Chris Heaton-Harris.*)

The Deputy Speaker's opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 8 February (Standing Order No. 41A).

BUSINESS OF THE HOUSE

Ordered,

That, at the sitting on 20 February, proceedings on consideration of Lords Amendments to the High Speed Rail (London–West Midlands) Bill may continue for up to two hours and shall then (so far as not previously concluded) be brought to a conclusion in accordance with the provisions of Standing Order No. 83F (Programme orders: conclusion of proceedings on consideration of Lords Amendments).—(*Chris Heaton-Harris.*)

Driving Offences: Government Consultation

Motion made, and Question proposed, That this House do now adjourn.—(Chris Heaton-Harris.)

9.42 pm

Wayne David (Caerphilly) (Lab): Most drivers drive safely, and Britain has one of the best safety records in the world. It is good to see growing public awareness of the need for safety, and a growing number of community groups are working with the police to reduce the incidence of speeding on our roads. I refer, for example, to the excellent work of the Draethen, Waterloo and Rudry community voice project and the Machen community road watch, both in my constituency.

At the same time, with a growing number of vehicles on the road, there is growing public concern about aspects of the law as it relates to driving. In particular, the law and sentencing guidelines do not always provide a proportionate response to the crimes committed on our roads. In that context, I refer to an accident that occurred in south Wales a year-and-a-half ago.

In October 2015, an horrendous accident occurred in Georgetown, Merthyr Tydfil in which three young men from Gilfach, Bargoed in my constituency lost their lives. They were passengers in a car that crashed into a roadside telegraph post. Two of the young men were presumed dead at the scene of the accident, and the third man died of his injuries some weeks later. The driver of the car and the front-seat passenger both survived the accident.

The driver of the car was arrested some weeks later on suspicion of causing death by dangerous driving. He was released on police bail and allowed to continue driving. I understand that the law has now been changed to prevent such an occurrence.

At the end of the trial, the judge stated that there was insufficient evidence to

“prove to the right standard that the defendant’s driving was dangerous”.

Instead, the defendant was found guilty of causing death by careless driving. The defendant admitted three counts of death on that basis and was jailed for 10 months. The charges of death by dangerous driving were dismissed by the judge.

The sentence that was delivered was, I am told, in line with sentencing guidelines and reflects the plea of guilty made by the defendant. But given the severity of the crime, the families of the three young men who had lost their lives were naturally shocked and appalled by the leniency of the sentence. Indeed, everyone who has read or heard about this case has been aghast at how such a lenient sentence could have been imposed. I am told that the defendant showed no remorse during the trial and, to make matters worse, he was released from prison having served only five months of his sentence.

Although I do not expect the Minister to comment on this case, I would like to make two further points relating to it. First, I am told that a material fact was not brought to the attention of the judge due to a police failing: some months before the accident, the defendant had been cautioned for a driving offence, but that caution had not been recorded properly by Gwent police and therefore it was not brought to the attention of the judge. The caution would probably have been

[Wayne David]

inadmissible as evidence, but it may have had a bearing on the sentence delivered. The matter has been taken-up with Gwent police and with the police and crime commissioner for Gwent.

I am also concerned about the apparent lack of sensitivity and support for the families of the deceased young men shown by the Crown Prosecution Service. Having indicated to the families that a charge of death by dangerous driving was being pursued, the CPS did not then sufficiently explain to the families why a lesser charge was being imposed. This case is obviously germane to the Government's consultation on "Driving offences and penalties relating to causing death or serious injury". That consultation concluded at the start of this month. It was an important consultation and I have made a submission to it. The Government will now consider whether the sentencing guidelines ought to be modified.

Jim Shannon (Strangford) (DUP): The hon. Gentleman has brought a very important issue to the House for consideration, and we are all here because we support him and congratulate him on doing that. Does he agree that the average sentence of not even four years is certainly not enough of a penalty for those who take a life in this way? Does he further agree that we should consider a life sentence for those who have a history of careless driving offences, such as those he has referred to?

Wayne David: I have a great deal of sympathy with the point that has been made. One point I want to elaborate on later is the inadequacy of the sentencing for crimes of this sort.

I referred to the consultation and I am disappointed by it, as, unfortunately, the Government circumscribed it from the start. They did that by stating that they had already decided that there was to be no change in the legislation relating to the definition of careless driving and dangerous driving. Although the consultation paper from the Ministry of Justice acknowledges that the distinction between careless and dangerous driving has been

"the subject of extensive scrutiny and debate",

the Government indicated that they had already made up their mind in favour of maintaining the status quo. This is most unfortunate.

The case regarding my constituents from Bargoed has, among other things, highlighted that the distinction between careless driving and dangerous driving is artificial and unhelpful in ensuring that sentences reflect the gravity of the crime they seek to punish. The definition of careless driving is set-out in section 3ZA of the Road Traffic Act 1988 and it stipulates that a person is driving carelessly if they are driving without "due care and attention". The law also adds that there is careless driving if the manner of driving falls below what could be expected of a competent and careful driver.

What constitutes dangerous driving is set out in section 2A(1) of that Act. It applies to a person whose driving falls far below what could be expected of a competent and careful driver.

The consultation paper makes the fair point that it is impossible to set out what might constitute careless or dangerous driving in every case because, quite obviously,

every case is different. However, that is a strong argument for having a continuum of what I will call bad driving, rather than a division between careless and dangerous driving. As things stand, given that the threshold for proving dangerous driving is quite high, it is much easier to err on the side of caution and secure a conviction for the lesser offence of careless driving. That is an argument relevant to a prosecutor's decision, as well as to a judge's determination.

As I have said, I have made a submission to the consultation. An important submission has also been made by Brake, the road safety charity, in which it, too, argues that the distinction between careless driving and dangerous driving is questionable, particularly in cases relating to death and injury. Brake has also pointed out that there is a lack of consistency in the differentiation between careless driving and dangerous driving. Its submission says:

"the test lacks any bench-mark for consistency due in large part to the variability of facts on a case to case basis".

In reality, the line between the low of what is expected of a competent and careful driver, and far below that, is impossible to pinpoint with any degree of accuracy. As Brake has pointed out, there is also a need to change our terminology. I accept that it is insufficient simply to advise the judiciary to refer to "bad driving". Equally, it is inappropriate to talk of careless driving when we are referring to death or serious injury. The language of the charges needs to be changed to reflect the seriousness of the issue.

It is clear that the law needs to be changed. As it stands, the law, and the sentencing guidelines that emanate from it, do not command full public confidence. Surprising though it must seem, only a minority of people convicted of death by careless driving are given a custodial sentence, and the average sentence is little over a year. In 2011, the average length of a custodial sentence for causing death by careless driving was 15.3 months; in 2014, it was 10.4 months; and in 2015, it was 14.4 months. In the case I have highlighted, in which three young men lost their lives, the sentence was a mere 10 months.

I hope the Government listen to what members of the public are saying and take heed of what Brake is arguing for. The consultation may have concluded, but I very much hope that the Government will begin a more fundamental consultative process that will eventually lead to a change in the law. Any changes made will not correct the wrongs that have been done to the families of the three young men from Bargoed, but they will at least help to ensure that other families might not have to go through the torment that they have experienced over the past year and a half.

9.53 pm

The Parliamentary Under-Secretary of State for Justice (Mr Sam Gyimah): I congratulate the hon. Member for Caerphilly (Wayne David) on securing this debate about the Government's consultation on driving offences and penalties relating to causing death or serious injury. In one way, the debate is timely, as the consultation closed last week—on 1 February. I want to take this opportunity to thank the thousands of people—more than 9,000, in fact—who took the time to respond. We received responses from road safety groups such as Brake, driving organisations, academics, Members of this House, police

officers, prosecutors, defence lawyers and families who lost loved ones as a result of terrible driving offences. We also heard from members of the general public who simply wanted to share what they thought about road traffic offences and penalties. I am grateful for the time and effort that all those people put into their responses.

I am sure that Members appreciate that I am not going to set out now, just a week later, the Government's assessment and our response to the consultation. We will, of course, consider every one of those 9,000-plus responses. We will then produce a written response and bring forward proposals for legislative or other changes.

Before the consultation closed, I met a number of families who have experienced terrible losses as a result of driving offences. I was struck by how much they wanted to respond to the consultation because they needed to share their experience and wanted to make the law as effective as possible. As a Justice Minister, I cannot comment on individual cases, including the charges brought or the sentences imposed. However, from talking to those families and a series of debates that I attended last year, I know that many Members of this House will be aware of cases involving road deaths in their own constituencies.

I know that there was a particularly tragic case in the hon. Gentleman's constituency when three young men were killed by a driver who was subsequently convicted of causing death by careless driving. I extend my deepest sympathies to the families and friends of those three young men who died when they were just at the beginning of their adult lives.

Although I cannot comment on individual cases, I do want to deal with the main points raised by the hon. Gentleman. He suggests that the Government should have expanded the consultation to include a consideration of the differences between careless driving and dangerous driving. The consultation does in fact deal with that important issue, particularly the suggestion that the distinction between careless driving and dangerous driving should be abolished and replaced with one "bad driving" offence.

I recognise, as is set out in the consultation, that this can be a difficult area of law. What amounts to dangerous driving is determined not, as is more normal in the criminal law, by considering the driver's state of mind or intentions, which in the context of driving is often difficult to ascertain, but by examining the nature of the driving. The law sets out an objective test that is designed to compare the driving of a defendant in the specific circumstances of their case with what would be expected of a notional careful and competent driver. In general terms, if the court considers that the defendant's driving falls far below that standard, and it would be obvious to a competent and careful driver that the manner of the driving was dangerous, the court will find it to have been dangerous driving.

Our law needs to reflect that while the harm caused in homicide cases and fatal driving offences is the same, because someone has died, the offender's culpability for the death may be significantly different. The consultation examined the option for a single bad driving offence. It set out in detail why the Government are not persuaded of a case for change. Those who propose a single test have said that it will lead to more convictions and

longer sentences. As is set out in the consultation, we do not believe that that is necessarily the case. That is because the maximum penalty for the single offence would have to be broad enough to cover the most serious cases—we have proposed a life sentence for causing death—and also the least serious when the driver's culpability for the death is very low. If we do not have a distinction in the offences between the seriousness of the offending, it is possible that the conviction rate may actually fall because juries might be reluctant to convict a driver in lesser cases—one where they can imagine themselves in the same position—for an offence with a very serious maximum penalty.

Wayne David: I acknowledge the Minister's argument, which I have heard before. If we went out to consultation on this specific issue, which we have not really done, would it not be far better if the Government were informed by a wider legal debate as well as public opinion in case they might want to change the law in the future?

Mr Gyimah: The hon. Gentleman makes an important point. I suspect that if I were to look at his submission to the consultation, I would see that he has made points similar to those that he has raised in this debate. When members of the public have concerns, I am sure that they will have made us aware of them through the consultation process. That is absolutely fair—it is why we have a consultation—but a consultation has to start and finish somewhere.

The Government's case is that if we do not have a distinction between the seriousness of offences, the conviction rate could fall. Sentences might not increase either, because the judge in the case would still consider the culpability of the offender when deciding the appropriate sentence. I would not want to mislead victims and families by suggesting that a broader offence would necessarily result in higher sentences.

I disagree that a single offence would mean that the Crown Prosecution Service would be unable to accept a lesser plea in circumstances when that was inappropriate. The CPS operates under the code for Crown prosecutors and will bring the most serious charge appropriate for the behaviour when there is a reasonable chance of securing a conviction that is in the interest of justice. It is worth noting that a judge may direct that there is no evidence to sustain a more serious charge in some cases.

In conclusion, let me repeat that there can be nothing more tragic than the loss of young lives—any lives—especially when that loss is avoidable. I know only too well that many hon. Members have seen cases where people have died in such circumstances in their constituencies, and where there are concerns about the sentences imposed. As I said in a debate at the end of last year, for too long these concerns have not been acted upon. At that time, I reaffirmed the Government's commitment to consulting on the offences and penalties for driving offences resulting in death and serious injury. That is what the Government have done. We will analyse all the responses and come forward with plans in the near future.

Question put and agreed to.

10.1 pm

House adjourned.

Westminster Hall

Tuesday 7 February 2017

[ALBERT OWEN *in the Chair*]

Serious Fraud Office

9.30 am

Stephen Timms (East Ham) (Lab): I beg to move,

That this House has considered funding of the Serious Fraud Office.

It is a pleasure to serve under your chairmanship, Mr Owen. The Serious Fraud Office owes its origins to the work of the fraud trials committee, set up under the chairmanship of Lord Roskill in 1983 after a series of failures to secure convictions in relation to high-profile City of London scandals. The SFO began its work in 1988.

I know from previous discussions on the SFO in the House that the Minister values its work very highly. He said in one debate that the Roskill model on which the SFO operates is

“essential when it comes to this type of offending. It works and it must continue to be supported.”

He also said:

“It is important that we give our full-throated support to the work of the SFO”.—[*Official Report*, 2 July 2015; Vol. 606, c. 1610.]

I very much agree with the view that he expressed and I hope it will be shared by other hon. Members contributing to this important debate. It was in the spirit of wanting the SFO to do the best possible job that I applied for this debate on how it is funded. However, it is worth just revisiting at the outset the case for the SFO, because the model has had its detractors, including the current Prime Minister when she was Home Secretary, so the case needs to continue to be made and the arguments need to be spelt out.

The SFO is unique among UK law enforcement agencies. Under the model recommended by Lord Roskill at the conclusion of the fraud trials committee in 1985, it is both investigator and prosecutor of the cases that it handles. A string of failed City of London fraud cases undermined public trust and inspired the recommendation and decision to break with the usual division between those two roles that we see in most of the rest of the English and Welsh legal system. I want to return to the issue of public confidence that justice will be done in fraud cases when arguing that the Government need to look again at the mechanisms by which the SFO is funded.

Legal cases are often complex, but the cases that the SFO deals with are frequently an order of magnitude more complex than others. They involve thousands of documents and a huge amount of complex financial data. The SFO requires multidisciplinary teams working under its case controllers: they are made up of lawyers, investigators, forensic accountants and so on. Those multidisciplinary teams ensure that legal scrutiny is applied to investigations from their commencement.

The Roskill model also ensures that there is no hand-off point, when specialist knowledge and insight developed by investigators and accountants who have been studying a case may be lost as it is transferred to the barristers.

That does not happen in the SFO model. Institutional memory and continuity are very important in the prosecution of complex fraud cases, and I am concerned that that important virtue of the Roskill model might be being undermined by the way the SFO is funded at the moment.

The Prime Minister, when she was Home Secretary, tried in 2011 and again in 2014 to bring the SFO into the new National Crime Agency. The *Financial Times* reported on 5 October 2014 that she was

“to revive plans to abolish the UK’s main anti-fraud and corruption agency and bring it into her new FBI-style national crime force, according to officials familiar with the situation.”

I am glad to say that that move was resisted. The director of the SFO from 2012 to the present, David Green, QC, was clear in his statement that it would

“distract and destabilise the SFO in a really bad way at a time when”

it was “grappling with what” was

“probably its heaviest-ever workload and making real headway.”

He was not alone in making the case against abolition of the office. Bond, the umbrella organisation representing 370 international development organisations, which sees the impact of corporate corruption at the sharp end, with millions lost to public services and community wellbeing in developing countries, co-ordinated a letter to the then Prime Minister in 2015 from seven charity chief executives, in which they suggested three key tests for the Government on bribery and corruption. First, they stated:

“Investigation and prosecution teams should be combined in the same agency.”

The Roskill model achieves that requirement, and a number of observers think that moving the work into the NCA would probably end that beneficial arrangement. Secondly, the letter stated:

“Corruption must be a top priority for that agency, and not simply one amongst many.”

Thirdly, it stated:

“There must be specialist corruption teams”

in the agency.

The current arrangements for the make-up of the SFO meet those requirements, and as a result the UK is one among only four countries that are officially recognised as “active enforcers” of the OECD’s anti-bribery convention. I hope that maintaining that status will be an important concern of the Government and the Minister. Moving the anti-corruption role of the SFO into another agency would undermine UK leadership in this area. I agree with Transparency International UK, which says that it

“strongly opposes the abolition of the SFO unless an alternative is proposed which is demonstrably better. We believe that is highly unlikely given the SFO’s recent success, the instability and damage to caseload that would be caused by abolition, the detailed analysis that went into the creation of the SFO, and the lack of expertise and track record in any other government agencies regarding prosecutions of corporate corruption.”

I therefore hope that the model will be maintained, but how well is the current SFO doing? It is quite difficult to assess its effectiveness. Its case load is deliberately small: under David Green, it has focused its attention, taking the most serious and complicated cases through to prosecution. However, we can say that over the four-year period, 2012-13 to 2015-16, it had a case

[Stephen Timms]

conviction rate of 81%, although that goes up and down from year to year, and since then it has achieved some important successes, including the first individual prosecutions for LIBOR rigging, which are welcome, and the recent landmark deferred prosecution agreement with Rolls-Royce, which resulted in a fine of £671 million, which was equivalent to the company's entire operating profits. The SFO is undoubtedly making an impact. The question is whether it is as effective as it could be and as we would all wish it to be.

Alex Chalk (Cheltenham) (Con): I declare an interest as someone who has previously been appointed to the SFO's "A" panel of counsel. Does the right hon. Gentleman agree that in looking at the SFO's achievements, it is right to focus also on the sums recovered under the Proceeds of Crime Act 2002 through confiscation? Its track record on that is certainly better than that of equivalent agencies.

Stephen Timms: The hon. Gentleman is absolutely right. I certainly do not want to argue that the SFO has not been effective; there is good evidence that it has been. The question is whether it is as effective as it could and should be, and that is why I now want to come to the numbers and my concerns about the way it is funded. It receives its funding as a mix of core costs and what is termed "blockbuster" funding.

Marie Rimmer (St Helens South and Whiston) (Lab): Blockbuster funding can make up a significant amount of the total funding for the SFO. Does my right hon. Friend share my concerns about the lack of transparency around the process for blockbuster funding, which will inevitably cover the most serious and complex cases?

Stephen Timms: Yes, I do share concerns about that, and I will come to it in a moment. I hope the Minister might tell us a bit more about how the process works and how decisions are made about whether blockbuster funding is provided. I noticed that in the exchange between my hon. Friend and the head of the Serious Fraud Office in the Select Committee on Justice, he made the point:

"I would like to move to less dependence on blockbuster funding and more core funding".

I think he is on to something and I want to explain why, in my view, that shift would be worth making.

Blockbuster funding is additional funding allocated on a case-by-case basis where individual, high-profile cases are likely to cost more than 5% of the SFO's core budget—those costing more than around £1.5 million. To access that funding, the SFO has to apply directly to the Treasury. As I understand it—I hope the Minister will tell us a bit more about this—applications bypass the Attorney General's office. However, as my hon. Friend the Member for St Helens South and Whiston (Marie Rimmer) has pointed out, the basis on which they are approved or denied is not transparent. I certainly do not know—I would be grateful if the Minister could shed some light on this—what the criteria are for allocating the funding. I know the system was renegotiated by Mr Green in 2012.

David Simpson (Upper Bann) (DUP): Does the right hon. Gentleman think that the way in which the Serious Fraud Office is funded has a detrimental impact on recruiting the proper staff required to do the job?

Stephen Timms: Yes, it inevitably does. We have seen a big shift over time away from core funding towards blockbuster funding. That inevitably means fewer permanent staff at the SFO and more temporary staff. That raises a serious concern about how the SFO is able to function. In 2008, core funding was £52 million. In 2015-16, the total budget was about the same, but core funding was only £34 million. For each of the last three complete financial years, the blockbuster funding element was large: £24 million in 2013-14, £24.5 million in the following year and £28 million in 2015-16. In 2015-16, the blockbuster funding was more than 80% on top of the core funding. The SFO's total expenditure has been as much—perhaps rather more—in recent years as it was in 2008, before core funding started to be reduced as part of the Government's efforts to cut public spending, but a big slice of the funding today is in the form of this one-off, exceptional Treasury grant. I am grateful to the hon. Gentleman for drawing attention to the fact that, as a result of that, a large proportion of those working at the SFO are temporary staff brought in for a particular case and then laid off when it is concluded.

I would be grateful for the Minister's comments on whether that is an effective way to run an organisation as important as the SFO. Her Majesty's Crown Prosecution Service inspectorate certainly thinks that it is not. In its view, the current model is not satisfactory, and I think it has an important point. In its 2016 report, it stated:

"The blockbuster funding model is not representing value for money and it prevents the SFO building future capability and capacity. Temporary and contract staff are often more expensive than permanent staff and managing surge capacity is a constant drain on Human Resources (HR) and other staff. Increasing core funding would provide the SFO with the ability to build capacity and capability in-house and lead to less reliance on blockbuster funding."

That is the case that I want to press upon the Minister this morning. The evidence is on the inspectorate's side. At the time of the inspection, 21% of SFO staff were temporary. As of March 2016, 106 of the 510 staff were there on an agency basis and another 35 were there on a fixed-term basis. That level of instability and impermanence would damage any major organisation.

Alex Chalk: The right hon. Gentleman is making a powerful and important speech; however, the real question is whether the surge that we have seen in demand, which has given rise to the need for blockbuster funding, is likely to be sustained. Can he shed any light on whether that is perceived to be a likely outcome?

Stephen Timms: It certainly has been sustained over a lengthy period, although I think I am right in saying that in the most recent year the funding sharply reduced. For me, that accentuates the problem, because once the funding is sharply reduced, a large number of people get sacked or their employment at the SFO ends and the expertise and experience they have built up is dissipated. It seems to me that we should aim to hang on to that expertise and build up the capacity and skills that the SFO can deploy for its future work.

I am not saying that the 106 people who were there on an agency basis in March 2016 were second-rate or anything like that. I am sure that they were talented people, doing good work. However, as temporary staff they are more expensive than permanent staff and the additional expense does not make sense when the blockbuster funding is consistently high over an extended period—not permanently, but consistently over a long period. Temporary staff will build up skills and expertise during their work with the SFO, which will then be lost as soon as their contracts expire and they leave. That raises concerns about an inability to ensure consistency across the entire duration of a case and build institutional knowledge in the longer term, which was precisely the aim of setting up the Roskill model in the first place 30 years or so ago. Surely we want the SFO to build up its expertise, and having so many people on temporary contracts makes that a great deal harder. At a time when the Government are, for very good reason, pushing for the public sector to spend less on expensive agency staff in areas such as education, Ministers can surely see that the same considerations apply—I suggest even more powerfully—to the SFO.

Managing the human resources implications of blockbuster funding makes it harder, as the inspectorate points out, for personnel staff to do the other things they ought to be doing. The SFO is the only one of the Law Officers' departments with fewer than half of its staff positions held by women and it has less than half the proportion of disabled people working for it than the civil service does as a whole, at only 3.6% of employees. We know that delivering diversity requires focused human resources effort, but with such high levels of turnover and agency staff at the SFO, HR attention is perhaps inevitably turned elsewhere. That weakens the organisation.

I am sure that the Minister will argue in his response that the director of the SFO has spoken favourably about the blockbuster funding system in the past. To an extent, that is true. Last October, he told the Justice Committee in the evidence session that I referred to:

“There are pros and cons to it.”

The SFO's submission to the Committee prior to the session stated:

“It is a workable mechanism which allows the SFO to respond flexibly to a demand-led workload.”

That may well be the case, but “workable” is not the same as “optimal”.

I am not arguing that we should not have any blockbuster funding. I entirely accept that such a mechanism can enable the department to cope with fluctuations and ensure that it does not have to turn down a case on the basis of cost, but we have funded getting on for half the SFO's budget for the last three or four financial years in that way. As a result, it has not been possible to build the expert, permanent workforce that I think we all want to see, so the balance must surely be wrong. Judging from the director's comments to the Justice Committee, that appears to be his view as well.

There is another important issue. In requiring the SFO to ask the Treasury for additional funding on a case-by-case basis through a pretty opaque process, it is impossible to demonstrate independence about decisions on which cases are prosecuted. I do not want to make too much of that point, but being seen to be independent

is important. Making the SFO dependent, case by case, on a Treasury sign-off does not provide that all-important assurance. That problem could be greatly reduced by making core funding a bigger proportion of the overall SFO budget. Another risk presented by the level of blockbuster funding—other Members have raised this matter in the House—is that justice may be delayed if an unnecessary layer of bureaucratic delay is added to the office's work by its having to apply for blockbuster funding.

The model under which the SFO operates has established the UK as a global leader in tackling corruption, fraud and bribery. That is an important achievement, which we all want to maintain, and I commend the director of the SFO for his progress in focusing the organisation on its core purpose. The recent inspectorate report, however, was right to point out that over-reliance on blockbuster funding makes the SFO less effective than it should be. Will the Minister therefore commit this morning to looking again at the proportion of the SFO's funding that comes from the blockbuster mechanism? Will he also look again at whether the SFO could do a better job, building up and maintaining better expertise more effectively in the long term, with more permanent staff, if a larger proportion of its funding was in its core budget?

9.53 am

Sir Edward Garnier (Harborough) (Con): I congratulate the right hon. Member for East Ham (Stephen Timms) on initiating the debate. I listened to him with great care and gratitude, because he spoke as a critical friend of the Serious Fraud Office. As he gently pointed out, when the current Prime Minister was Home Secretary, she was perhaps not a friend, even if she was critical, of the SFO. Possibly—who knows?—one reason I remained a Law Officer for two and a half years, but no longer, was because I fell out with the Home Secretary over the independence of the Serious Fraud Office.

There is a misunderstanding among politicians about the Roskill model and its value. However, before I go on further, I declare an interest—as must be obvious—in the SFO and all that it does. I also declare an interest in that, like my hon. Friend the Member for Cheltenham (Alex Chalk), the SFO instructs me from time to time as a member of the private Bar. One of the most recent cases that I have been instructed in was that of Rolls-Royce, which the right hon. Member for East Ham spoke about. Although I do not want to talk too much about my wonderful case load, I want to use the case of Rolls-Royce to illustrate the successful way in which the organisation deals with criminal activity at the corporate and most complex level.

It is a given, certainly among those who know anything about the Serious Fraud Office, that the Roskill model of having a joint investigating and prosecuting system in the organisation works. Although plenty of people criticise the SFO—as the right hon. Gentleman said fairly, it is not beyond criticism, and there are things to be said about the blockbuster system and so forth—it is remarkably successful, given the limited resources under which it has to operate.

When I was shadow Attorney General in the lead-up to the 2010 election, I made quite a study of the way in which the Serious Fraud Office operated, not least

[*Sir Edward Garnier*]

because it was one of the most important aspects of our prosecuting system that came under the supervision of the Attorney General and the Solicitor General. When I got into office in 2010, it was clear that the comprehensive spending review that the new Government introduced would have a pretty direct and possibly damaging effect on the SFO's ability to carry out its important work. That persuaded me that we needed to find other pragmatic ways of allowing the SFO to get on and catch villains, both human and corporate. I was particularly concerned that we were underperforming on—that we were inhibiting—the prosecution and conviction of corporate crime.

Of course we were, and still are, beset by the Victorian identification principle: in order for a company to be convicted of a crime, a directing mind of sufficient seniority has to be able to be identified in order to fix criminal liability on the company. That was fine in the 1860s, 1870s or the 1880s, when companies had a board of two or three and operated within a town or a county—or possibly even within the country as a whole—but the vast international conglomerates that there are now, with offices in several jurisdictions and boards, sub-boards, national and international boards, make it extremely difficult for the Serious Fraud Office to attach criminal liability for a crime to the company. Individual financial directors, country directors, or country managing directors can be prosecuted, as the SFO has—we have seen that happen in a number of the cases that the right hon. Gentleman referred to—but that has proved difficult when dealing with international companies that misconduct themselves.

That is why—this is a slight diversion, but an important one—this House and the Government should develop the “failure to prevent” model. Under section 7 of the Bribery Act 2010, it is a criminal offence for a company to fail to prevent bribery by one of its associated people or bodies. The first deferred prosecution agreement—in which I appeared, as it happened—dealt with the failure of a bank to prevent bribery by one, or a number, of its staff in Dar es Salaam in Tanzania. Under the terms of the deferred prosecution agreement, that brought in from the errant bank about US\$25 million in costs and penalties.

As the right hon. Gentleman correctly identified, the Rolls-Royce case brought in something in excess of half a billion pounds sterling, which will be paid by that company over the next five years. Beyond the penalty, it will have to pay interest on the delayed payment. More importantly, as far as funding the Serious Fraud Office is concerned, part of the deferred prosecution agreement is that the respondent company pays the SFO's costs, which, at the time of the announcement of the agreement before the President of the Queen's Bench division, Sir Brian Leveson, 10 or so days ago, amounted to about £13 million. Sadly, that £13 million did not go into the Edward Garnier special holiday fund; it went into reimbursing the Serious Fraud Office for what was essentially the biggest investigation that it had ever done since its inception. That investigation required huge international co-operation with the United States Department of Justice and with investigators and prosecutors in a number of other jurisdictions—the criminal allegations against Rolls-Royce covered the company's activities within seven jurisdictions.

While the Rolls-Royce matter was being brought to an end a fortnight or so ago in this country, it was also being brought to an end in the United States and in Brazil, where the company had to pay the authorities about \$176 million and \$25 million respectively. That illustrates how the Serious Fraud Office can be pragmatic, efficient and effective now that it has the deferred prosecution agreement model and can use its money wisely to bring international companies to book for international criminal conduct.

Alex Chalk: Now that the SFO has more tools at its disposal, including the DPA model, does my right hon. and learned Friend believe that its workload will increase? Does that make the case for a larger underlying capacity, as the right hon. Member for East Ham indicated?

Sir Edward Garnier: Yes. The DPA system is a new tool—there have been three DPA cases—but if the Serious Fraud Office is to carry out its international investigative work at the highest and most complex level, it will need a bigger budget. That was clear to me when I became Solicitor General in 2010 and it remains clear to me now. In 2010, as I understood it, the revenue budget was about £40 million and was set to go down over the course of the Parliament, under the comprehensive spending review, to something like £29 million.

When I went to the United States to discuss international corporate crime and learn from American prosecutors about the system for prosecuting corporate crime there, one of the federal prosecutors in Manhattan asked me how much our budget was. I said, “It's about £40 million, going down to just under £30 million.” He laughed and said, “Is that just for one office?” I said, “No, it's for the entire jurisdiction: England and Wales, and Northern Ireland”—unusually for a prosecuting agency in this country, the Serious Fraud Office covers England, Wales and Northern Ireland, but not Scotland. The American prosecutor found it unbelievable that one of the centres of the financial world had a serious fraud office that ran on that amount of money. He went on to joke that he spent more than that on flowers at home; I do not think that that was quite true, but I would not be at all surprised if he lived pretty well. Good luck to him.

What I want the House to understand is that there is no perfect way to sort this out. The right hon. Member for East Ham is entirely right to say that there are uncertainties and, to some extent, an absence of transparency—or at least prospective transparency—in how the blockbuster system works. There is retrospective transparency, because the Justice Committee, Parliament, the National Audit Office and non-governmental organisations such as Transparency International—to pick one organisation at random—can delve into the SFO's financial workings. I accept that although the blockbuster system works up to a point, it is not ideal, but the best is often the enemy of the good; I would rather the SFO could apply to the Treasury for blockbuster funding than its being constantly in danger of having its budget slashed and slashed again. The SFO is unusual and not very well known and therefore not terribly politically popular. Obviously its work is often private, because if its investigations are not conducted in privacy, the villains get away—I take the right hon. Gentleman's point about that.

To assist the SFO in its complicated and difficult work, we need to think hard about how to nail corporate misconduct. Will we be brave enough to move to the

American system of vicarious corporate liability, so that when an employee commits in the course of their work a crime that has a benefit for their company, the company should be liable in criminal law—just as it would be in civil law for the negligence of one of its drivers, for instance? If not, we will have to extend the failure-to-prevent model. The Criminal Finances Bill that is going through the House at the moment will enact a failure-to-prevent tax offence; I have tabled some amendments that would extend the list of failure-to-prevent offences to a far wider collection of financial crimes. My amendments will not be agreed to, but Parliament needs to debate the issue. I look forward to co-operating with the right hon. Gentleman, who not only has experience as a Treasury Minister but can no doubt see the City of London across the road from his constituency office. I hope that the question of developing the criminal law to meet the increased sophistication with which business is done internationally will be cross-party and non-partisan.

On the right hon. Gentleman's point about staff, I agree that any form of threat to any organisation from the promise or threat of change is distracting and destabilising. Now that the SFO is doing good work and building on its record of success with LIBOR, with the three deferred prosecution agreements and with the cases against Barclays bank, GSK and others, the one thing that it does not need is to be subjected to further interference. That would be destabilising and cause the employment equivalent of planning blight. Imagine a bright young lawyer in a City firm who thinks that it might be good to go and work for the Serious Fraud Office for a while. It would be, and it is, but if they know that the Government want to pull up the pot plant every 20 minutes and have a look at the roots, the SFO is not going to seem like a very stable place to go and work.

I want to see people from the private sector—the big City firms that have expertise in dealing with corporate crime, mergers and acquisitions and the highly complicated banking law that is sometimes involved—coming to work for the SFO for two or three years. I also want permanent members of the SFO staff to go into the City firms and other banking organisations, so that there is proper cross-fertilisation. What I do not want is for the current Whitehall fascination with sticking things with nice initials into great pots of alphabet soup to destroy David Green's valuable work or distract him from it. I am proud to say that he is a personal friend of mine; he and his organisation have a proud record of demonstrating to the Government that it is worth every penny it gets and that it ought to get yet more money, so that it can catch more and more villains.

The reputation of our country is to a large extent built upon our financial services industry. Our corporations that sustain that industry—be they banks, be they insurance companies, be they whatever—and the people who work in it need to know that if they step beyond the line of honesty and acceptable behaviour, there is an investigating prosecuting authority that will not only come and get them but will make sure that they are convicted. That is what our constituents want. They want a vibrant financial services industry, but they also want an honest one, which attracts business, taxation and employment to our constituencies, whether they are in East Ham or Harborough.

Mr Owen, thank you for your patience. I hope that my hon. and learned Friend the Solicitor General can give me the reassurance that the SFO is safe from interference and distraction, and that we can look forward to another period of success, and well-funded success, for this most impressive organisation.

10.10 am

Mark Field (Cities of London and Westminster) (Con): In congratulating the right hon. Member for East Ham (Stephen Timms) on securing this overdue debate on the workings of the Serious Fraud Office, I register my concern that the regular reliance of the SFO on special funding facilities from the Treasury lays it open to the charge that it lacks full and proper independence.

As we know, we live in financially straitened times for those agencies that depend on the public purse. Nevertheless, the sight of the SFO repeatedly having to go cap in hand to the Treasury for supplemental income opens up the Government to the potential accusation that they at least have the ability to close down what might be politically sensitive inquiries by the simple expedient of refusing the SFO funding.

I am not suggesting for one moment that the Government are behaving improperly. However, they must see that there is an inherent conflict of interest, which will persist unless and until the SFO's funding is placed on a more sustainable and arm's length basis.

Alex Chalk: Is it not important in this debate to keep a measure of context as well? The sums of money that we are talking about, while not insignificant, need to be set against a wider context. They are less in total, even including blockbuster funding, than the cost of one joint strike fighter and, given the ability of the SFO to protect British interests at home and abroad, that context is worth considering.

Mark Field: My hon. Friend makes a fair point, although in the comparison he draws he also possibly makes a point about the expense of defence procurement.

Those of us of a certain age cannot help but be transported back in time when we learn of the SFO's requests for so-called blockbuster funding to pay for major investigations. Some Members will know that I am a keen pop music fan, and it is exactly 44 years ago today that the glam rock anthem "Blockbuster" by The Sweet was at No. 1 in the UK charts. Now, I am not sure that the 17-year-old future right hon. Member for East Ham was a great glam rock fan, but I am sure that his hair was fashionably longer back in 1973.

The cost of funding the SFO's blockbuster investigations now invariably takes the SFO well beyond the Treasury's year-on-year allocation of funding, as we have heard from other Members. Last year, the SFO's spending reached some £65 million, which was a 12% uplift on the 2015 figure. Blockbuster funding has been applied for, not on an exceptional basis but for four of the last five years, so presumably that form of funding is here to stay permanently, at least in the eyes of the Solicitor General. I would be interested to hear what he has to say about that.

As my right hon. and learned Friend the Member for Harborough (Sir Edward Garnier) has pointed out, at the end of last year the SFO successfully secured funding

[Mark Field]

to pursue criminal investigations against the Monaco-based Unaoil, which stands accused of securing complex corrupt contracts for a range of multinationals, including Rolls-Royce. I understand that the ongoing investigations over Barclays in Qatar and a range of potential fraud cases involving foreign exchange may yet have to be subject to special blockbuster funding appeals. Although I accept the Government line that that sort of mechanism allows the SFO great flexibility in the allocation of work, I trust that, as large and complex investigations become the norm, a serious re-evaluation of the pros and cons of the funding system for the SFO will be carried out.

I have to say something else, which I know will lead to my parting company with my right hon. and learned Friend in his paean to how wonderful the SFO is: I deeply regret that the reform of the entire workings of the SFO is overdue, and I believe that was yet another missed opportunity for the coalition Administration who were in office between 2010 and 2015.

For my part, as long ago as the autumn of 2009 I wrote two essays for the ConservativeHome website in the immediate aftermath of the financial crisis, setting out what I regarded as a proposed blueprint for the SFO. Then as now, I contend that an effective financial enforcement system requires the promotion of deterrence and competition, in order to boost consumer protection. Even at that time, a year after the financial crisis began, it seemed clear that, despite grandstanding galore from politicians, there was—indeed, there remains—a growing unease at the paucity of substantial change in the aftermath of that crisis.

Nowhere did that feeling resonate more than in the field of enforcement, where the prospect of adopting US-style powers to prosecute alleged wrongdoers in financial services has of course been dashed. Although over the past year or so the SFO has finally secured LIBOR convictions, it is in all honesty a body that I am afraid has long lacked clout and the respect of those who are most engaged in the financial industry.

As the right hon. Member for East Ham has said, the SFO has been operational since 1988 and the Roskill reforms. It is responsible for the detection, investigation and prosecution of serious fraud cases in England, Wales and Northern Ireland. Although it is operationally independent—as it should be—the SFO comes within the remit of the Attorney General and is given the power to bring criminal prosecutions directly. In contrast, the FCA is able to impose civil sanctions and launch criminal cases on matters such as market abuse, working in tandem with the City of London police and the Crown Prosecution Service.

There are some lawyers—perhaps those who are less close to the SFO's workings—who continue to lament the difficulties associated with securing convictions for fraud, especially given the collapse of a number of highly complex jury trials. For that reason, many people feel that the introduction of a system of plea bargaining similar to that in the USA would not work. No one will risk blowing the whistle or turning themselves in when the likelihood of a successful prosecution being brought is—at least in recent years, as we have seen—so slim.

The SFO's problems are not necessarily personnel problems; I agree with what was said earlier. However, having spoken to experts in this field, I have come to

believe that one of the organisation's main problems is in finding cases to investigate. Only when the police or the Attorney General have firm cause to believe that a criminal act has occurred is the SFO permitted to get involved. Moreover, when a case does get under way, its prosecutors routinely face months of battling defence lawyers before they can even get to trial. Of course, the defence has a strong incentive to engage in a war of attrition, in order to derail a prosecution on legal technicalities.

As a result, I think we have faced this task of reforming the financial services system and inculcating in the minds of its participants that sense of right and wrong, with an “umpire”—the SFO, in this case—that too often has lacked the tools or the respect from the market to do its job properly. I am not making any personal criticism of David Green, who, while at the helm, has developed a number of improvements to the SFO in the last three or four years.

Instinctively, I support a more robust economic crime policy, which would place the promotion of commercial competition at the heart of a new code of enforcement designed to deter fraudulent, anti-competitive or criminal activity. Such a policy should centre upon a new agency in place of the SFO, which would combine the SFO and the FCA's enforcement division.

It is perhaps incongruous that the SFO stands under the jurisdiction of the Attorney General, although I very much appreciate that the right hon. Member for East Ham put that arrangement into some sort of historical perspective. Nevertheless, we should now look to place the SFO's responsibilities within the remit of the Department for Business, Energy and Industrial Strategy, so that the SFO would work alongside the Competition and Markets Authority. By associating consumer protection with fraud and trust-busting, we would give competition its correct place as a central priority in the future commercial landscape.

Sir Edward Garnier: Is it not a problem to place the supervision of a prosecutor with a spending Ministry—a political Ministry? Obviously, the advantage of leaving the SFO and the CPS where they are—that is, under the supervision of the Attorney General—is that, in that respect, the Attorney General and the Solicitor General are not politicians, but protectors of the public interest. As soon as a Cabinet applies pressure upon a political Secretary of State, and we have seen this recently with the—

Albert Owen (in the Chair): Order. Mark Field.

Sir Edward Garnier: I quite agree.

Mark Field: I very much take on board what my right hon. and learned Friend says, and I understand his concerns. He made a powerful point towards the end of his speech about the importance of there being public trust in the financial services sphere if it is to be the success we all hope it will be in the post-Brexit world.

To effect the necessary sea change in attitude and create a body with the powers of its US equivalent, we would need to be able to impose substantial fines on wrongdoers. Such fines could play a role in covering the costs of any new organisation. Clearly, there would be a need for some legislative changes, but measures would

also need to be put in place to protect whistleblowers and offer genuine immunity to those who were aware of anti-competitive practice when they came forward.

The Solicitor General (Robert Buckland): I am very interested in the point that my right hon. Friend outlines. What standard of proof would be applied in the proposed new regime?

Mark Field: I understand the point about moving away from a criminal more to a civil standard of proof. This is a back-of-the-envelope-type suggestion. I am just putting a few broader proposals forward because, as has been referred to elsewhere, the power of deferred prosecution is very much a positive step in the right direction. As Members know, deferred prosecutions will enable proceedings in a criminal case to be delayed for a given period, subject to certain conditions being met by the company in question. At the end of the set period, if all agreed conditions have been met—often, that includes paying a substantial fine along the lines of the one that Rolls-Royce had to pay—charges can be dismissed and the judgment of conviction can be entered. It is a more pragmatic prosecution-related process.

I could go on and on, but I know that at least one other Member wishes to speak and that we all want to hear from the Front-Bench spokespersons. Let me just say this, if I may: the incentives provided by healthy competition and the deterrent of stiff punishments should have formed the backbone to the new era of banking and business in the aftermath of 2008. The past two Administrations have missed the boat in restoring both the confidence of market professionals and the trust of the British public in our financial institutions. I very much hope that in addition to addressing the important issues raised in the thoughtful contributions made by the right hon. Member for East Ham and my right hon. and learned Friend the Member for Harborough, the Government will use this opportunity to take a fresh, broader look when it comes to the overall workings of the SFO, as well as its funding, and ensure that it has its rightful place within the enforcement sphere in the years to come.

Albert Owen (in the Chair): I am grateful to the right hon. Gentleman. I remind Members that I will call the Front-Bench spokespersons at half-past 10. In calling you, Mr Shannon, I point out that it did not escape my notice that you were six minutes late joining us. That is discourteous to the Member leading the debate and to all other Members present. A less generous Chair would have gone straight to the Front-Bench speeches and ignored you. You are running out of excuses, but I ask you to be brief and finish at half-past.

10.23 am

Jim Shannon (Strangford) (DUP): Thank you for calling me, Mr Owen. I apologise for not being here on time. I had a meeting with the—

Albert Owen (in the Chair): No excuses.

Jim Shannon: I am just explaining the reason—

Albert Owen (in the Chair): You are running out of excuses, Mr Shannon. Just carry on.

Jim Shannon: I congratulate the right hon. Member for East Ham (Stephen Timms) on making a very good case with lots of knowledge. His immense knowledge has been tremendous to have.

The role the Serious Fraud Office plays is essential and the House should ensure that it continues. The SFO initially had a financial threshold for its cases of £1 million, which was increased to £5 million. However, such thresholds soon became outdated, and the current director has published a statement of principle to make clear the main factors he takes into account when considering a case. We all know what those are: whether the apparent criminality undermines UK plc commercial or financial interests in general and those of the City of London in particular; whether the actual or potential financial loss involved is high; whether the actual or potential economic harm is significant; whether there is a significant public interest element; and whether there is any new species of fraud.

Current cases include, as other Members have said, investigations into the manipulation of the LIBOR rate; the recapitalisation deal by Barclays bank with Qatar at the height of the financial crisis; alleged bribes paid for the award of contracts relating to Rolls-Royce; alleged false accounting relating to Tesco; alleged bribery of public officials relating to Alstom; and alleged bribes paid to induce customer orders relating to GlaxoSmithKline. The list goes on and on.

Members have mentioned whistleblowing, and I myself have referred a whistleblowing incident to the SFO. Although it did not reach the aforementioned level, it was passed on to the financial regulatory authority. There must be a way to deal with the big firms; the individuals—the whistleblowers of this world—cannot take on such cases themselves. The SFO is essential in helping to take on the big firms. We have all watched or heard of the film “Erin Brockovich”, in which the David is able to take on the Goliath, but that is not the norm. The norm is that litigation costs are out of this world and, as a consequence, wrong is allowed to take place.

I fully support the SFO and hope I have made that clear. Indeed, its ability to look into cases should be much wider, and should include the case that I referred to it, which was of major importance at the time. However, there must be value for money and accountability for public spending, and the public must rest assured that there is no way to deal with those issues other than with the funding that is required.

Right hon. and hon. Members have spoken about how the core budget can be supplemented by blockbuster funding, and the right hon. Member for Cities of London and Westminster (Mark Field) mentioned that song from many years ago. He referred to hairstyles; I can refer to the days when I had hair. Indeed, I suspect that you remember those days as well, Mr Owen.

Albert Owen (in the Chair): Absolutely.

Jim Shannon: It is always good to look back and remember what we had in the past.

The core budget can be supplemented by the blockbuster funding—that is clear—but if we are still recovering those large amounts of money, can that money go to the centre and can those recoveries be publicised, Minister, to show value for money? It is all about how the system works and how it works best.

[Jim Shannon]

I agree with the report from Her Majesty's Crown Prosecution Service, which found that the blockbuster funding model does not represent value for money and prevents the SFO from building future capability and capacity. I understand the reasons and the thinking within that. Temporary and contract staff are often more expensive than permanent staff, and managing surge capacity is a constant drain on human resources and other staff. Increased core funding would provide the SFO with the ability to build capacity and capability in-house and lead to less reliance on blockbuster funding. I agree with that reasoning, and I think that other Members have expressed that also. Minister, I look forward to your addressing those issues to our satisfaction.

In a previous life, I worked as a local councillor—for some 26 years—and often queried the use of long-term temporary contracts for staff supplied through agencies because of the cost increase, often going through the pros and cons of the issue. Although I understand the rationale of needing to grow or shrink depending on the size of the case, a larger base to begin with could—would, I believe—save money and provide job security for those with the specialised know-how. There must always be the ability to access blockbuster funding for cases such as LIBOR, which was an extremely transparent case, but there should not be a standard top-up that excuses the need to do what every Department from Health to Work and Pensions has done—cost-cut, look at efficiency measures and see whether staffing arrangements are adequate.

In conclusion, and ever mindful of the timescale that you set me, Mr Owen, I do not believe that what I have just set out is happening in the SFO. I put on record my wholehearted support for the body, but I believe that it must learn to cut costs like the rest of us. I agree that that can be done through a larger core budget—that is where we start, and the Minister might refer to it—and through the ability then to apply for blockbuster funding in exceptional cases, not just as a matter of note or opportunity. Thank you, Mr Owen.

Albert Owen (in the Chair): I now call the Front-Bench spokespersons, starting with Kirsten Oswald.

10.29 am

Kirsten Oswald (East Renfrewshire) (SNP): I thank the right hon. Member for East Ham (Stephen Timms) for securing the debate and for the very considered way in which he approached the topic. In fact, all the speeches we have heard have been considered and thoughtful on the question of how we should move things forward.

The right hon. Gentleman highlighted the complexity and depth of the work of the Serious Fraud Office, and I was pleased that he highlighted the prosecutions for LIBOR rigging. I was also interested in his comments and those of other Members on whether the funding mechanisms allow for the best recruitment of appropriate staff. The right hon. and learned Member for Harborough (Sir Edward Garnier) made a number of useful points relating to that, as did the hon. Member for Strangford (Jim Shannon) and the right hon. Member for Cities of London and Westminster (Mark Field), who made me smile by admitting to a love of glam rock. I entirely agree with him on that. I hope he will agree with me that

the SFO has a vital role in prosecuting complex fraud and tackling corruption. I hope he will also join me and the Scottish National party in calling on the Government to increase funding to the SFO to show their commitment to fighting fraud and corruption—adding clout, as he would have it.

The UK Government have indicated that they seek to move towards more of a tax haven economic model, which rings serious alarm bells for combating fraud. The right hon. and learned Member for Harborough spoke about reputation, which is key here. The SNP calls on the UK Government to respond to the findings in the report by the Crown Prosecution Service inspectorate and ensure that future funding arrangements ensure that the SFO provides the very best value for money. As the right hon. and learned Gentleman pointed out, the Crown Office and Procurator Fiscal Service is Scotland's sole prosecution service, so the SFO does not have jurisdiction to prosecute in Scotland, although its powers may be used to investigate serious or complex fraud that is prosecutable in England, Wales or Northern Ireland. The SFO works with Scottish authorities on UK-wide fraud. I am interested in this issue because it has relevance for some cases that I am dealing with.

As Members may be aware, I have recently taken on chairmanship of the all-party parliamentary group on the Connaught Income Fund. As happens with many cases of its kind, the Connaught case has disappeared into an extended limbo as investigations take place. To the astonishment of many, those investigations are being conducted by the Financial Conduct Authority and not by the SFO or even by the City of London police. When I read the subject of this debate, it set me wondering about what we should expect from the SFO as part of its core funding. Why was the Connaught case not quickly elevated to the SFO for investigation? Why has it been dealt with as a matter of regulation, rather than of potential criminality from the start?

The Connaught fund was set up in 2008 and collapsed in 2012. A related case, *Connaught v. Hewetts*, was heard in the High Court in July last year. Evidence in that case indicated that Connaught had all the hallmarks of being a dishonest enterprise from the start. Instead of gathering funds from a range of investors and lending them on to a wide range of borrowers, the fund made all its loans to a single group of companies, the Tiuta Group. Tiuta immediately started to use the Connaught loans to pay off existing loans and to bankroll dubious projects already sitting on its books. Early in 2011, a very clear allegation of fraudulent behaviour was made to the Financial Services Authority by George Patellis, the newly arrived chief executive of the Tiuta Group. Despite that, Connaught and Tiuta were allowed to continue their activities for many more months, before finally going into liquidation in 2012. It is not even clear if the case was raised with the SFO, which raises the question of just what we are funding the SFO for.

Since I arrived in the House, the Connaught case has been raised on a number of occasions, both in debate and in questions. Ministers and the Financial Conduct Authority have given assurances that the police have been informed of the activities around the fund, but to date there have been no prosecutions. I have written to the City of London police's economic crime unit, seeking

assurances that a police investigation is under way. I will let Members know the outcome of that correspondence when I receive a response.

The reason for raising the matter today is that when I looked at the briefing, I decided to return to the question of why the Serious Fraud Office was not at the heart of the Connaught inquiry. The director of the SFO has helpfully provided a statement of principles he uses when considering a case, and I have compared the Connaught case with the factors contained within that statement. If Connaught meets the criteria for cases that the SFO should look into, that suggests that the organisation's core funding should cover at least exploratory investigations in this situation.

The first criterion the SFO uses is whether the actual or potential financial loss involved is high. With more than £100 million lost by investors, the Connaught case clearly meets that threshold. Is it any surprise that investors are surprised that the Connaught case has languished for so long, instead of quickly being elevated to the SFO?

The second criterion used by the SFO is whether the actual or potential economic harm is significant. In this case, it is. Many Connaught investors were looking for an unexciting but steady rate of return on their capital, with no expectation of risk. Indeed, when the fund was launched, it was called the "Guaranteed Low Risk Income Fund". Not surprisingly, many of the people attracted were looking for a low-risk income fund. Immense damage was caused to the life plans of many. If the core funding of the SFO is not intended to protect such investors, perhaps the Solicitor General can explain why.

The third criterion for SFO involvement is whether there is significant public interest in a case. Again, with Connaught, for many reasons there has been huge public interest and significant public sympathy for those who have lost money. There is also a great deal of interest in the failure of the regulatory system to prevent harm in response to the whistleblowing by Mr Patellis. The information he provided appears to have been simply ignored by the FSA for many months. In a recent report on a complaint by Mr Patellis, the Complaints Commissioner referred to an internal memo within the FSA, acknowledging that there was an opportunity here to prevent harm, rather than simply clear up afterwards. There is a great deal of public interest in why the FSA failed and whether its replacement, the FCA, is any more likely to succeed and if not, why not. Surely the SFO would not be so ineffective in its handling of this kind of complaint.

The last component of public interest is the role of Capita, which is one of the major players in the UK's financial services sector and a supplier of services to many levels of Government. As the initial operators of the fund, Capita gave Connaught an aura of credibility that it clearly never deserved. People want to know who in Capita knew what and when about the Connaught fund. Is such post-financial disaster investigation not the role of the SFO?

As a prosecuting authority, the SFO clearly has the power to demand papers, but so do the FSA and the FCA. In at least one instance, Connaught's auditors were asked for papers and responded that it was beyond their remit to produce them. Astonishingly, the regulator simply dropped the request. Would the SFO or the City

of London police have reacted in the same way? If there are multiple agencies in the field, yet not one of them seems able to impose on those suspected of economic crimes the level of disclosure that is routine in other kinds of investigation, what are we funding all these agencies for?

The fourth criterion for SFO involvement is whether it is a new species of fraud. Well, I am no expert, but I gather that the rules regarding the promotion of unregulated collective investment schemes, such as Connaught, have been changed. That suggests that some new form of fraud was seen to emerge in this case, and steps were taken to cut it off.

The final criterion used in assessing SFO involvement is whether the apparent criminality undermines UK plc commercial or financial interests in general or the City of London in particular. Now, that is tricky. Many of those involved in the Connaught case are suspicious that the lack of action six years after Mr Patellis blew the whistle is because of the damage that full and early revelation of information in the course of a fraud trial might have done to the reputation of Capita and the wider financial services sector. My point in this debate is that after reviewing the rationale for the SFO's work, I see Connaught as something that should have been accommodated in the agency's core funding. I am told that an agreement is in place between the FCA and the police to prevent overlapping investigations. Having looked at the protocol between the Attorney General and the directors of the prosecuting departments, including the SFO, I was surprised to see no reference to that agreement, at least not explicitly, within the protocol.

Many are concerned that the delay in concluding the Connaught investigation will lead to any criminal charges that emerge being challenged on the grounds of delay. I am not sure whose interests are served by having such a wide number of agencies with apparently overlapping and sometimes clashing interests. It would certainly be in the interests of justice to ensure a great deal more clarity and security of funding for whichever agency is on the frontline of trying to protect the public from deceptions, frauds and scams—the kind of thing perpetrated on Connaught investors. I look forward to hearing from the Solicitor General about the issues of the SFO and, in particular, the Connaught fund.

10.38 am

Nick Thomas-Symonds (Torfaen) (Lab): It is a pleasure to serve under your chairmanship, Mr Owen, for what I believe is the first time. I refer to my relevant entry in the register and the fact that I am a non-practising door tenant at Civitas Law in Cardiff. I pay great tribute to my right hon. Friend the Member for East Ham (Stephen Timms) for his measured, carefully phrased contribution. Whenever I listen to him, he always adds a great deal to the quality of the debate, and that has to be said about his contribution this morning. I thought he set out extremely well the emergence and creation of the Serious Fraud Office in the 1980s and the importance of the Roskill model, with investigatory and prosecuting functions under one roof together with all the other necessary skills, including forensic accountancy. He set out the SFO's history extremely well: its emergence from the fraud trials committee and its creation under the Criminal Justice Act 1987.

[Nick Thomas-Symonds]

The contribution from the right hon. and learned Member for Harborough (Sir Edward Garnier) was extraordinarily erudite, if I may say so. He set out extremely well the complexity of the cases, not simply in terms of their scope and scale but in terms of the law itself. We are not in a position where vicarious liability has been extended into the criminal corporate sphere in the UK. We are therefore left with the directing mind concept, which, as he pointed out, was originally devised in the mid-Victorian era, when companies were different from how they are today. Of course, there is the ongoing importance of the failure-to-prevent model under section 7 of the Bribery Act 2010.

The right hon. Member for Cities of London and Westminster (Mark Field) put his finger on one of the key issues in this debate: transparency of the funding model. It was put well by the right hon. and learned Member for Harborough when he talked about prospective and retrospective transparency. Although I am not for a moment suggesting there has been political interference from the Treasury, the truth is that the model lends itself to the appearance of a potential conflict of interest in the way it is set up. The hon. Member for East Renfrewshire (Kirsten Oswald) put it quite well when she talked about the public interest in these cases.

I give the Solicitor General great credit for recently providing a letter requesting additional funding. Transparent though that is, the content of the letter illustrates the complexity, because in fact the parliamentary timetable means that the SFO cannot expect to have access to any additional funding from the supplementary estimates until the third week in March, so there has to be a cash advance from the Contingencies Fund to keep cash flowing until then, which is not the clearest of situations to be able to explain to the public.

The hon. Member for Strangford (Jim Shannon) pointed out very well the importance of value for money, which is what I want to direct my remarks to. Clearly, everyone in this room is united by the desire to see good corporate conduct, and the Serious Fraud Office is an absolutely essential part of that. However, on the funding model, I would press the Solicitor General to look at the balance between core and blockbuster funding and whether we have that precisely right.

It is difficult at times to judge the performance of the Serious Fraud Office. I agree with the right hon. and learned Member for Harborough, in that we are always looking to improve. My right hon. Friend the Member for East Ham was described as a critical friend, and I would put myself in the same category. Looking at prosecution and conviction rates is not the easiest thing to do. In 2015-16, at one point it was down to about 31%. Objectively, that does not look like a good figure, but, looking at the director's evidence to the Justice Committee, it came about because there were two defendants who ended up not being fit to stand trial, which severely affects the statistics, because we are dealing with such a small number of cases.

Similarly, although the confiscation rates are important, they do not show appreciation for the fact that not every case is as cash-rich as another might be, so even they are not necessarily an essential yardstick. I ask the Solicitor General to look more generally at that and at transparency, which is important, particularly in relation

to the use of deferred prosecution agreements and when they are thought appropriate. Cases should be monitored because of the situation I have described of defendants being too ill to stand trial. That may not be within the control of the SFO, but where there can be careful monitoring of whether it is realistic that something will ever come to trial, that should be considered. Over time, we need to look not only at the number of acquittals, because that is not always the best indicator, but at whether, over a long period, there were cases falling at half-time in the criminal courts, which would be a cause for concern.

We could also look at international comparisons. America has a very different legal framework and different corporate culture, but we should still look around the world at how other agencies perform and at how economic crimes are tackled to see whether there can be improvements in that regard.

On the specific model, my right hon. Friend the Member for East Ham quoted the director of the Serious Fraud Office at the Justice Committee in October last year. He said:

"I would like to move to less dependence on blockbuster funding and more core funding."

Indeed, the investigation by Her Majesty's Crown Prosecution Service inspectorate concluded that it was not necessarily providing the best value for money. When the Solicitor General comes to address the matter, I am sure he will mention the issue of unused capacity if the budget was set too high for too long. At the same time, we have to acknowledge that we may be preventing the Serious Fraud Office from building future capability and capacity if, as my right hon. Friend the Member for East Ham pointed out, we have staff who build expertise in a certain area and are then, in essence, lost to the SFO. There is also the issue of large surges of temporary staff. Not only does that create a burden on human resources management, but temporary staff are often more expensive than permanent staff.

I appreciate the flexibility of the blockbuster funding model, but I am directing my remarks to the balance between core funding and the additional funding that is available. In some years, such as 2015-16, the blockbuster funding nearly matches the core funding at the start of the year—I think it is £33.8 million versus £28 million. That may be only one year, but it is illustrative of what can happen.

I have a series of questions to pose to the Solicitor General. Could a greater core element of funding increase the in-house capacity and be of benefit to the Serious Fraud Office? Can it enhance the depth and quality of expertise available in-house? Could it increase value for money? In addition, could it increase diversity? The Solicitor General may have more up-to-date figures, but as of 31 December 2015 the Serious Fraud Office was the only one of the Law Officers' departments with far more men than women. All the others had more women than men, but not the Serious Fraud Office.

There is also the issue of what I have described as the Treasury veto. Is that system necessarily the best sustainable long way forward? Can the Solicitor General look at ways in which that might not be necessary? For example, could there be a contingency fund, with Law Officers having far more authority over additional funds? Is the Treasury necessarily needed to give that specific assurance or permission?

In conclusion, the Serious Fraud Office plays a vital part in good corporate governance across the United Kingdom. Everyone who has made a contribution to this debate today wants to see that, but of course we want to see the Serious Fraud Office, even with its achievements, improve. I look forward to hearing what the Solicitor General has to say about that.

10.48 am

The Solicitor General (Robert Buckland): It is a pleasure to serve once again under your chairmanship, Mr Owen. I thank and pay tribute to the right hon. Member for East Ham (Stephen Timms) for securing this debate, which has been wide-ranging and well informed. Perhaps we should expect that when we have a former Chief Secretary to the Treasury in the room and one of my predecessors as Solicitor General, my right hon. and learned Friend the Member for Harborough (Sir Edward Garnier). Indeed, my right hon. Friend the Member for Cities of London and Westminster (Mark Field) also has long expertise in and knowledge of combating financial crime.

The hon. Member for East Renfrewshire (Kirsten Oswald) raised a specific case. I am grateful to her for raising such a serious matter. She is right to say that from the layperson's point of view, it can be—to borrow a phrase from my right hon. and learned Friend the Member for Harborough—a bit of an alphabet soup when it comes to the investigation of serious crime. I have not had notice of that particular issue. I make no criticism of the hon. Lady for that, but my advice would be to write directly, if she has not already, to the director of the SFO, copying in the Law Officers, so that we can have full and up-to-date knowledge of the serious case she raises.

I will do my best in the 10 minutes or so that I have to answer the questions posed by the right hon. Member for East Ham. I come straight to blockbuster funding. I have to confess that I am too young for glam rock, and perhaps that is a good thing. In my mind, the word “blockbuster” conjures up the golden age of Hollywood. I do not know whether that is an appropriate metaphor, because we are dealing with an independent prosecutorial authority that, for the best part of 30 years, has worked in a particularly specialised way, bringing together investigators and prosecutors from the outset. That is the Roskill model to which right hon. and hon. Members have referred. To be scrupulously fair to the right hon. Gentleman, he conceded—I think properly—the point that some element of blockbuster funding is desirable and, indeed, appropriate. When he was in the Treasury, I am sure the same rules were applied to the SFO. The question is not one of principle therefore, but of degree.

I come back to the age old question of balance and how to maintain that from year to year. The particular criterion that is now used by the Treasury was set out back in October 2012, when the then Chief Secretary to the Treasury came to an agreement with the director in relation to the funding of very large cases. Blockbuster funding is applied for when it is expected that costs to investigate and potentially prosecute a case will exceed 5% of the SFO's core budget, which, at present, are cases likely to exceed £1.7 million. The ability to have recourse to funding for very large cases is a model that the Law Officers fully support. The SFO has to present a business case to the Treasury, but I reassure right hon.

and hon. Members that it is not the Treasury's function to perform the role of gatekeeper and assess the legal merits of a particular case. That is not its function at all. As the right hon. Member for East Ham will well know, its function is to make sure that the case is sound and that there is evidence on which to base that application; that the SFO has demonstrated that there is a real need for the money based on specific investigations or day-to-day needs. It is on that basis that we would see an advance being made.

The hon. Member for Torfaen (Nick Thomas-Symonds) rightly refers to a written ministerial statement that I am laying today to outline the position. I agree with him that it might seem rather inelegant, but, when it comes to the need to be flexible and to recognise the ever-changing demands on the SFO, I am afraid a degree of inelegance is a price worth paying for the practical effect of making sure that the SFO has fleetness of foot for dealing with a case load that varies dramatically year on year.

Nick Thomas-Symonds: I do not think there is any dispute on the principle and the flexibility. The dispute is about the balance. Does the Solicitor General feel that the balance has been right in recent years? Should it be adjusted in favour of core funding?

The Solicitor General: The hon. Gentleman is right to bring me back to balance. From year to year, it is very difficult to predict. There will be times—he cited a year—when the amount of blockbuster funding exceeds the core funding, but there are other years when that is not the case. That underlines more eloquently than I can the essential fluidity of the system.

In replying to the right hon. Member for East Ham, I would deal with the question in this way. It would be troubling if either the Law Officers' Department—there was once a suggestion that our Department should be the gatekeeper—or the Treasury acted in some way as a second opinion, second-guessing the professional judgments of members of the SFO. That would be wrong and is not what happens when it comes to blockbuster funding. No application for blockbuster funding has ever met with a refusal. That is a very important point to hold on to when it comes to the Government's understanding of the reputational importance that the fight against economic crime has not just for the Government, but for the United Kingdom generally.

Mark Field *rose*—

The Solicitor General: I give way to my right hon. Friend, who made that point.

Mark Field: The Solicitor General made a statement on the instances of refusal by the Treasury. I was going to come on to that. Has there been a refusal on the degree of blockbuster funding? It might not have been about the overall amount, but has there been a sense of haggling between the SFO and the Treasury over the amounts that should be given for particular cases?

The Solicitor General: My right hon. Friend invites me down a course that I am perhaps not fully qualified to talk about. There will of course have been discussions about the amounts, but at no time—this is again very

[*The Solicitor General*]

important—has funding been a bar to the proper investigation of cases that are brought before the SFO and meet the criterion that the hon. Member for East Renfrewshire and the hon. Member for Strangford (Jim Shannon) set out. Previous Law Officers, including my right hon. and learned Friend the Member for Harborough, and current Law Officers have made it clear that funding issues will never be a bar to the prosecution of serious fraud in this country. That is why the reputation of the United Kingdom, to which organisations such as Transparency International have attested, is as one of the leaders in the field for the prosecution of economic crime.

In response to my earlier invention, my right hon. Friend the Member for Cities of London and Westminster conceded that his interesting ideas, which I very much hope will be fed into the Cabinet Office review of economic crime, must acknowledge the fact that we are dealing with not a regulatory but a prosecutorial authority. The tests, with which most hon. Members are familiar, of reasonable prospect of success and the public interest, as well as remembering the high standard of proof that needs to be reached, are vital when it comes to the criteria for an independent prosecutorial authority.

Right hon. and hon. Members will know that the Ministry of Justice is conducting a call for evidence on corporate responsibility. The Government have an excellent track record in that area, having supported and brought into force the Bribery Act 2010, particularly section 7, which created a failure to prevent bribery offence. A similar offence in the field of tax evasion is in the Criminal Finances Bill and the Government will seriously consider the outcome of the forthcoming consultation when it comes to failing to prevent economic crime.

I think the question of the attitude of the director to blockbuster funding has been adequately covered. I have described the system as inelegant, or imperfect. Although the director works within the system, at no point has he felt under any improper pressure from the

Government, or the Treasury, on applications for funding. That is very important, bearing in mind the current director's record in improving and enhancing the role of the SFO in our public life. In paying warm tribute to David Green, I also commend him for the creation of a chief operating officer post, which I think will go a long way to dealing with some of the human resources points raised by hon. Members.

On diversity, I am glad to say that when it comes to new starters at the SFO, 51% are female. I accept the diversity figures. However, before I sit down to allow the right hon. Member for East Ham to conclude the debate, I would say that it is tempting to seek to create a permanent cadre of staff at the SFO who might be able to build up expertise, but each large case stands very much on its own facts. The context of each case can vary widely. Therefore, the continuing need for flexibility in employing specialist agency staff who might be familiar with a particular scenario will not go away. I make no apology for the fact that flexibility of funding is important in terms of year-to-year demand, and employing and engaging agency staff can be of real benefit when it comes to the prosecution of specialist crime.

10.59 am

Stephen Timms: I am grateful to everyone who has contributed to the debate. Sadly, I do not think I have time to discuss glam rock. I want to ask the Solicitor General if he will reflect on the fact that everybody who spoke in the debate before him—I think I am right in saying that—agreed that the current heavy reliance on temporary blockbuster funding for the SFO is not the optimal arrangement. He accepted that it was not elegant, but it is not really the elegance that is the concern—it is the fact that it is an expensive way to pay for the SFO's work and undermines its ability to build up a cadre of long-term, committed expertise.

Motion lapsed (Standing Order No. 10(6)).

11 am

Sitting suspended.

Seagulls

[MR GARY STREETER *in the Chair*]

2.30 pm

Oliver Colvile (Plymouth, Sutton and Devonport) (Con): I beg to move,

That this House has considered seagulls in coastal towns and cities.

It is a delight to move the motion, especially under your chairmanship, Mr Streeter. I am pleased to have not only a neighbouring MP in the Chair but another of my neighbours, my hon. Friend the Member for South East Cornwall (Mrs Murray), acting as the Minister's excellent Parliamentary Private Secretary. It is truly a team effort from Devon and parts of Cornwall. I thank the House of Commons authorities for granting me the debate.

I am pleased to have secured this timely debate on seagulls and coastal towns and cities, which gives me an opportunity to talk about an issue that has plagued many people not only in my inner-city constituency but throughout the UK. For context, my constituency houses the city centre, the Barbican and the Hoe, where Smeaton's tower is situated. Thousands of tourists flock to our city every summer to see the historic place where the Mayflower ship set sail 400 years ago to found the American colonies. Indeed, in 2020 Plymouth will be at the centre of commemorations. American tourists do not need to come to Plymouth only to be plagued by sweeping and aggressive seagulls.

I am concerned that increasingly aggressive seagulls could put off more tourists from coming across the world and visiting Plymouth and other coastal towns and cities such as Looe. They are not content to just take to the skies over my city; there is even a Twitter account called @PlymSeagull. I pay tribute to my hon. Friend the Member for Waveney (Peter Aldous), who has fought a long and hard campaign against nuisance seagulls, and Fiona Kerslake of Eco Environmental, based in my constituency. She gave me an excellent briefing note on the topic.

Sir Greg Knight (East Yorkshire) (Con): I congratulate my hon. Friend on securing this important debate. Does he agree that one of the most important elements is access to food? If seagulls are denied access to that, they will often go elsewhere. Therefore, the very holidaymakers he refers to have a role to play: they should be encouraged not to feed seagulls when they are on the coast. We should also encourage local businesses such as takeaways to have seagull-resistant forms of waste disposal.

Oliver Colvile: I have a strange feeling that my right hon. Friend might have had sight of my speech. I will come on to that point. He makes a relevant and worthwhile case.

I would also like to praise Nigel Eadie, who owns the Original Pasty House in Plymouth, who first brought this issue to my attention in the last Parliament. Last night, as right hon. and hon. Members were walking through the Division Lobbies, my hon. Friend the Member for Wells (James Heappey) informed me that while Brexit is an extremely important ongoing issue, he had

been inundated with communications from constituents expressing their support for this debate and suggesting what action the Government should take. The debate is particularly timely as we approach the spring and therefore the breeding season. By May, eggs will be hatching and the gulls will become even more aggressive as they seek to protect their young. As we head into the summer, we could very well see gull wars on our high streets!

My office mate, my hon. Friend the Member for South East Cornwall, who is doing a brilliant job as PPS, told me the old saying that each seagull carries the soul of a fisherman who died at sea. As the chairman of the all-party parliamentary fisheries group, I have had a few messages from people asking whether the common fisheries policy has been slightly to blame for the rise in aggressive urban seagulls as we seem to have overfished our waters. However, I will leave the Minister to address that point if she wishes.

In the past 200 years, most species of gull have learned that they no longer need to migrate north or south. That is because the UK holds a variety of relatively mild climate conditions throughout each season and food is readily available from a wide selection of sources, as my right hon. Friend mentioned. Like all wild animals, seagulls have an ingrained will to survive. Much of that comes down to the fact that they are scavengers looking for food scraps wherever they can find them. Indeed, last year a group of psychology students at the University of the West of England launched a research project to study the psyche of the gull, focusing on the nesting of the birds, their feeding habits and how humans interact with them. When my hon. Friend the Minister sums up, I very much hope she will confirm that she has followed that research. When it is published, will her Department respond to it?

Over the weekend, it was widely publicised in the local and national press that the reason I applied for this debate was because my friend had a chip taken away from him by an overly aggressive seagull. We were campaigning in the Torbay mayoral election at the time. He put his fish and chips to one side and a gull swooped down and took them away. I am afraid he did not finish his lunch.

John Woodcock (Barrow and Furness) (Lab/Co-op): I congratulate the hon. Gentleman on bringing this important matter here. Is he aware that not simply chips are at risk? A pensioner was hospitalised by a seagull in Barrow within the past two years. This is a real public safety risk for the people of our coastal towns.

Oliver Colvile: The hon. Gentleman is quite right. Indeed, I will give some examples of where that has happened elsewhere. As I said, a very aggressive seagull came down on my friend's fish and chips. Yes, that happened, but no, that is not the reason why I sought the debate. I did so because I have been contacted by a whole series of people. A number of constituents have contacted me regarding over-zealous and aggressive seagulls. This is not a vendetta; it is an opportunity to ensure that shoppers, residents and tourists feel safe when they are outdoors.

Even my local newspaper, the *Plymouth Herald*, ran a story last summer titled "Plymouth will belong to seagulls this summer—but this is how you can avoid them". We see photos in the press of a pensioner with a large cut to

[*Oliver Colville*]

her scalp. We read stories about a diving seagull killing a pet dog. Things have become so bad and so widely publicised that our former Prime Minister, David Cameron, said that he wanted a “big conversation” about murderous seagulls.

Earlier today, I received an email from my constituent, Graham Steen, who tells me that a few years ago he was attacked by a pair of gulls that were nesting in his chimney. The gulls used their claws and beaks to attack the top of his head, causing a large amount of damage and pain. The gentleman has a bald head, so we can imagine what he was encouraged to go and do.

Real-life cases such as that have brought together Members from across the country to discuss this topic. Despite the anti-seagull sentiment, I am not advocating or supporting a cull of the species. Given the political surprises of the last two years, we should be very wary of polls. However, in 2015, YouGov surveyed more than 1,700 people on their support for a cull of seagulls and, according to the poll, 44% of people support one, while 36% oppose one. In beginning a cull of seagulls, I believe we could set a worrying precedent, especially as herring gulls are a protected species under the Wildlife and Countryside Act 1981. I am therefore against the cull.

While we are on the subject of protected wildlife—I hope you will indulge me for a moment, Mr Streeter—Members may know that I have been running a national campaign to save the hedgehog by making it a protected species. I know the Minister will have heard me speaking about that several times over the last year; I realise that I have got quite a reputation around the country for it. I want to ask her this: how can it be that an aggressive bird such as the herring gull is protected when the small, timid hedgehog, whose population has declined by 30% in the last 10 years, is not?

Sir Greg Knight: I know my hon. Friend is a big supporter of the European Union. Is not the answer to his question that the Wildlife and Countryside Act derives from the EU birds directive, which forbids us to have a cull?

Oliver Colville: My right hon. Friend is quite right. I very much hope that that will be included in the Brexit Bill when it comes forward, so that we can protect our wildlife and, I hope, improve upon it, because that is important.

Back in September, my hon. Friend the Member for Cheltenham (Alex Chalk) tabled a question to the Department for Environment, Food and Rural Affairs asking whether it had made an assessment of the potential effect of removing the protected status of seagulls in urban areas.

Graham Stringer (Blackley and Broughton) (Lab): I congratulate the hon. Gentleman on securing this important debate. There is not only a contradiction between the lack of protection for hedgehogs and the protection for aggressive seagulls. Governments of all colours in the past have agreed to onshore and offshore wind farms, which randomly kill many seabirds. Does he agree that there is a huge contradiction between seagulls being protected, when we could save people from attack, and killing them randomly with wind farms?

Oliver Colville: I quite understand where the hon. Gentleman is coming from, but I have always been a keen supporter of renewable energy. I have always thought that the more we can do to use tidal and wave technology, the better, but he makes a fair point.

The Minister replied to the written question from my hon. Friend the Member for Cheltenham, stating:

“The Wildlife and Countryside Act 1981 already allows for the control of gulls...in the interest of public health and safety or to prevent disease.”

I cannot see how a seagull attacking a pensioner, leaving her with a huge and bloody cut on her scalp, is not seen in terms of public health and safety.

Mrs Anne-Marie Trevelyan (Berwick-upon-Tweed) (Con): My hon. Friend brings a really important discussion to the House for debate. In Berwick-upon-Tweed, the most northerly town in my constituency, we are plagued with the seagull problem, to the point where last summer someone took it upon themselves to institute their own cull. While that was appreciated in some quarters, there is a risk that people are having to take the law into their own hands to deal with these difficult and aggressive birds, which means there are people wandering the streets of Berwick with firearms who really should not be doing so. The impact of that frustration is very real.

Oliver Colville: I would most certainly advise my constituents to ensure they do not seek to break the law.

There are a number of things that the Government can do to make the position much better. Will the Minister consider amending the 1981 Act so that it is easier to control the gull population when such attacks are happening? I also firmly believe that we need greater flexibility in protecting very different species. If population growth occurs, especially to the detriment of another species, it should be made easier to change the list of protected species, but very much on a regional basis.

Just before the last general election, the former Chancellor, my right hon. Friend the Member for Tatton (Mr Osborne), earmarked £250,000 for a study into the life cycle of the urban seagull. Unfortunately, that was scrapped three months later by DEFRA. I would be extremely grateful if the Minister could speak to the Treasury to try to get the money for that study back. I know that many Members who represent coastal towns and cities would be delighted if there were some movement on this, as many of our constituents’ lives are being blighted on a daily basis by seagulls.

Alex Chalk (Cheltenham) (Con): Of course, this does not only affect coastal towns and cities; towns such as mine and the quality of my constituents’ lives are seriously affected. Given that we managed to clear pigeons from Trafalgar Square in a humane way, does my hon. Friend agree that it ought not to be beyond the wit of man to do the same for seagulls, which are such a menace to my constituents?

Oliver Colville: My hon. Friend makes a fair point. When I was a child, I always believed that if there was a bad storm at sea, the birds had a tendency to come inland. I do not know whether that is still the case.

Studies show that between 2000 and 2015, the number of urban gull colonies in the UK and Ireland doubled from 239 to 473. Indeed, the number of gulls could have

quadrupled in that time, as colonies are now larger than they were 17 years ago. The £250,000 study could mitigate our knowledge gap when it comes to gulls.

As you may know, Mr Streeter, I am the chairman of the all-party parliamentary group for excellence in the built environment. I therefore take a deep interest in how we can use our buildings to combat the scourge of angry seagulls. I believe we can use our built environment to tackle this problem. Commercial buildings should be proofed or built differently when redeveloped. Indeed, there are a number of bird deterrent systems. Bird nets are an effective deterrent system, providing a discreet and impenetrable barrier that protects premises without harming birds. Nets are one of the most effective and long-lasting ways of bird proofing, particularly for large open roofs, and can be used for commercial and industrial buildings such as warehouses.

Alternatively, a pin and wire system could be used to prevent perching without damaging the aesthetics or construction of the building. That system is almost invisible and is widely used across the UK for that reason. By preventing perching, the system makes it much more difficult for a gull to nest and eventually lay eggs.

The most well-known deterrent is spikes, which are used to deter not only gulls but pigeons and other birds. In built-up urban areas such as Plymouth, spikes would be helpful because they would make it very difficult for the birds to land, particularly in high-infestation areas. It has also been suggested to me that councils could paint eggs red, so that gulls think they are on fire and will not sit on top of them to incubate them. From what I understand, gulls see in black and white and not in colour—perhaps because they bought the wrong TV licence.

In terms of what can be done on the ground, there is an element of social responsibility, as my right hon. Friend the Member for East Yorkshire (Sir Greg Knight) said. Takeaways must take much more responsibility to keep their local environment clean, as overflowing bins and fish and chip wrappers are extremely attractive to gulls. Local authorities also need to be more proactive in keeping their streets clean and ensuring that litter bins are free from takeaway boxes and polystyrene containers. Those simple steps could help to take away one of the best sources of food for these birds.

In the 1970s, Restormel Council in Cornwall encouraged residents to leave out their black plastic bags, which were then picked at by the gulls in the local area. Residents would put blankets over the top of the bags to hide them from the gulls. I urge local authorities to use bins with secure lids, so that it is much more difficult for gulls to get into the bins and pick at the bags. I also encourage local authorities to continue their weekly bin collection, especially over the breeding season. I must confess, however, that my own local authority has just proposed a change to fortnightly bin collections.

Another form of contraception could be to replace eggs with dummy or fake eggs. Studies show that gulls welcome dummy eggs into the nest and will try to incubate them. I think that my own local authority in Plymouth used that method for a little while.

I am pleased that we have the opportunity to debate such an important issue, which transcends constituencies and affects hundreds and thousands of people across

our coastal towns and cities. I hope that the Minister will listen to not only my concerns, but those of many of my constituents and many other Members of Parliament and their constituents. This is an important matter, and I hope that the Government will act before someone is really hurt yet again by an aggressive seagull. As you know, Mr Streeter, I represent a naval constituency, so in that great tradition we should pay tribute to the words of Horatio Nelson: we need action this day.

Several hon. Members *rose*—

Mr Gary Streeter (in the Chair): Order. Four hon. Members are seeking to catch my eye. The winding-up speeches begin at 3.30 pm. We have 40 minutes and four speakers—do the maths.

2.50 pm

John Woodcock (Barrow and Furness) (Lab/Co-op): May I, too, say what a pleasure it is to serve with you in the Chair, Mr Streeter? It is also a pleasure to be able to contribute to this timely and essential debate—passions have already been stirred by the opening contribution from the hon. Member for Plymouth, Sutton and Devonport (Oliver Colvile). I agree with so much of what he said. I will just add a few thoughts from the perspective of the blighted and besieged people of Barrow and Furness, who have dealt with this threat for many years. I mentioned in my intervention the example of a pensioner, 72-year-old Brian Griffin, who was attacked on the way to the library in Walney and ended up having to be hospitalised.

There is a rather gruesome video on the *North West Evening Mail* website—I do not recommend that you click on it, Mr Streeter. It shows a very large herring gull feasting on a pigeon. There is another example of a gull popping into Greggs on Dalton Road to help itself to the produce. I have with me a photo that I took on my walk to the office a couple of weeks ago. You have rightly reminded me that it cannot be used as a prop, Mr Streeter, but let me take a moment to describe it. It shows, in one of the back alleys in central Barrow, a wheelie bin whose lid has clearly been left ajar, and the rubbish bags that are on show have become a feasting site for—well, I will not count them now, because that would not be a valuable use of time, but there are at least a dozen seagulls there. This is not just an inconvenience for people; it is a proper health and safety risk to our citizens.

In the four years since I was able locally to bring people together for the Barrow and Furness seagull summit and we instituted a three-point plan to deal with seagulls, there has been some effect. The measures that we all agreed to back then were pursuing contraception for seagulls where that was possible; removing the space where seagulls unfortunately too often congregate and nest in our town; and clearing out waste. There has been some sporadic progress.

Alex Chalk: I commend the hon. Gentleman for his summit and for trying to achieve solutions locally, but does he agree that there is an opportunity for central Government to try to co-ordinate what might be best practice, potentially underpinned by a study, so that we are not having to reinvent the wheel in every location to work out what best practice is? We should know that from the centre.

John Woodcock: Absolutely. That is an excellent idea, and I will come on to what more I think the Government could do in relation to individuals. I, too, was disheartened by the cancellation of the £250,000 project. I am sure that the former Chancellor took inspiration from one of my former employers, the former Prime Minister Gordon Brown, in taking a personal interest in what might otherwise seem insignificant amounts of money at Budget time. That project clearly would have been welcomed in the towns blighted by seagulls. It is a real shame that the Chancellor cancelled it.

Oliver Colvile: Would it not also be a good idea if local authorities were to work with other local authorities around them that have a similar issue? That could also save costs, and I am acutely aware that local authorities are finding it very difficult to make ends meet at the moment.

John Woodcock: Absolutely. These are trying times. We have had the Barrow and Furness seagull summit. Perhaps the time has come for a national seagull summit, so that the blighted populations along our coasts can get together and discuss the issue, perhaps in comparative safety at an inland venue, for their mutual convenience.

BAE has taken action, which reduced many of the nesting sites in our town, and a number of years ago the council distributed a leaflet, but there is still a really significant problem. Certainly in the perception of most citizens in Barrow, Ulverston and across the area, the blight is pretty much as it was. That is not to say that we do not value the South Walney nature reserve, where the seagulls ought to be living their lives, but unfortunately they come into town too often because food supplies are too readily available there. There are clearly things that individuals and businesses can do to lock up those supplies, but I wonder whether there is a limit to the effectiveness even of those measures.

I am very interested in what the hon. Member for Plymouth, Sutton and Devonport says about the potential for reinstating a cull once the United Kingdom has left the European Union. Amid the flurry of worry and concern about downsides, that is possibly one thing that we ought to keep in mind as a real step forward for an independent UK. We will be able to make our own decisions about whether herring gulls, which are hugely preponderant in Barrow town centre, could be taken off the protected species list.

I will finish with a further suggestion as to how the Government could get involved. It is true that herring gulls are on the protected list, so the ability that is available in relation to other species, if they prove to be a health and safety concern, does not exist for gulls, but too often that leads individuals to believe that they can do nothing. Actually, if people go to the Natural England website and read the provisions of its general licence, that makes it clear that someone can take action against a herring gull by removing its nest and taking away its eggs if they are a property owner, there is a clear health and safety danger from failing to do that and other measures have proved ineffective. Many homeowners or managers of public buildings would clearly meet those criteria in the Furness area and, I imagine, in other towns.

Sir Greg Knight: Does the hon. Gentleman accept that many seaside properties are three-storey, not two-storey,

and where they are owned by an elderly couple, it is just not possible for them to get up on the roof and remove the eggs?

John Woodcock: Indeed, but let me explain what I strongly believe the provisions of that licence say. Perhaps the Minister will be able to clarify this. I can share with her the terms of the licence if her staff do not have this information and that would be helpful. I am not sure that it requires an elderly person to do the deed themselves. I think that they may be able to employ someone else to do it. Let us hope that there clearly is a role for local authorities. There is a long established role in vermin control. Someone can bring in people to help if they have a rat or mouse infestation. I think that there clearly is a role for local authorities, but where either the local authority or the Government could really make the difference would be in enabling citizens to know what their rights are in these situations.

Alex Chalk: Two things: first, citizens need to know what their rights are; secondly, we need to enable citizens to know what is most effective. All of us—individuals and local authorities—have limited resources and limited time. We need to target resources effectively.

John Woodcock: Absolutely. People need to know they can take action. Yes, they need a licence to take action against herring gulls, but they can obtain the licence by going on the internet and printing it out for themselves. Does the Minister agree that there could be a case for, as I like to put it, mobile licensing awareness points around coastal towns? We would simply need desks with printers and bits of information to tell people what their rights are and to empower them to take back their communities against the blight of seagulls, which so often spoil our towns.

3 pm

Steve Double (St Austell and Newquay) (Con): It is a pleasure to serve under your chairmanship, Mr Streeter. I congratulate my hon. Friend the Member for Plymouth, Sutton and Devonport (Oliver Colvile) on securing this important debate and it is a pleasure to follow the hon. Member for Barrow and Furness (John Woodcock).

I represent St Austell and Newquay in mid-Cornwall, and the issue of seagulls has long been a hot topic in my constituency, particularly in places such as Newquay, Mevagissey and Fowey—coastal towns that rely heavily on tourism. We have seen the growing nuisance of seagulls in recent years. That nuisance is to do with noise and droppings that can damage car paintwork, as well as gutters blocked by nests, which then cause gutters to overflow. There is also the nuisance of rubbish strewn across our streets every time there is a waste collection in the community.

Seagulls are not only a nuisance. Increasingly, there is an issue of danger. We often laugh at tourists in our seaside towns who have their pasty or their ice cream stolen by a sweeping seagull, but too frequently that results in injury. Our local A&E in Cornwall reports that every late spring/early summer our seagulls become more aggressive and several people visit A&E as a result of being injured by a seagull.

In 2015, there was the well-publicised case, which my hon. Friend the Member for Plymouth, Sutton and Devonport mentioned, of a family dog in Newquay

being killed by a seagull. That drew a lot of media attention and was directly responsible for former Prime Minister David Cameron commenting that we needed to have a big conversation about seagulls. Sadly, we never got to have that big conversation. The issue went away, as it does most summers, and we have never really come back to address it in the way that I believe we need to.

Oliver Colville: Does my hon. Friend think that a clever idea would be for us to have a debate of this sort annually, especially at this time of year?

Steve Double: I am grateful for that comment from my hon. Friend. However we do it, we need to keep returning to this issue until it is addressed in such a way that seagulls no longer blight our seaside communities. Whether it is an annual debate or whatever the mechanism is, we need to keep focusing on the issue until something is done.

My observation is that we have almost two species of seagulls in this country. The gull we most often refer to is the herring gull, which is a large bird. I understand it can grow to about 55 cm, although now that we are leaving the EU we are allowed to say 22 inches. That bird is the most common cause of nuisance and attacks. As I said, it is now almost two species, as there are the birds that live out on the clifftops as nature intended them to live—by eating from the sea and living in the wild—but increasingly we see the urban seagulls that come into our towns becoming a very different species from those that live in the wild.

We do the seagulls no favour by drawing them into our towns. One of the facts that I discovered when I looked into this matter was that the average life expectancy for a gull that lives in the wild on the clifftops is more than 30 years, but for a gull that has come into the town and lives by scavenging off human waste it is 12 to 15 years. Gulls live more than twice as long when they live in their natural habitat than they do in our towns. By removing them from our towns, we would do the gulls a favour and help them to live the long and pleasurable lives that nature intended.

Increasingly in our seaside towns in Cornwall the gulls are seen as nothing more than flying rats. They scavenge from our rubbish bins and seek to steal food from us whenever they can.

Stuart Blair Donaldson (West Aberdeenshire and Kincardine) (SNP): The hon. Gentleman mentioned stealing food. I am sure he is aware of the video of the Aberdonian seagull shoplifting a packet of Doritos in Aberdeen. Seagulls cause real problems for residents, businesses and tourists. Will he join me in welcoming Aberdeenshire Council's "Survivor's Guide to Living with Urban Gulls" to deal with these issues?

Steve Double: I am grateful for that intervention. Indeed, I am aware that many local authorities across the country, including Cornwall Council, have issued guidance to residents and businesses on how to minimise the impact of gulls. All that is most welcome, but we are reaching a point where perhaps more direct action needs to be taken. Part of the process is about education and increasing awareness. The point already made by some hon. Members is that a lot of the problems are caused by people feeding gulls or leaving their food

waste in such a way that it is easily accessible for gulls. Educating people to minimise that is one of the best ways to reduce the impact of gulls.

I was formerly the Cornwall Council cabinet member responsible for waste management. I am proud of the fact that during my time in the cabinet I introduced seagull sacks across Cornwall, which we made readily available through the local authority at a nominal cost. Residents can put their black bin bag rubbish into seagull-proof sacks. The seagulls cannot access the rubbish within. Encouraging residents to take such practical steps will minimise the impact that seagulls have in our communities. However, more needs to be done.

As my hon. Friend the Member for Plymouth, Sutton and Devonport mentioned, it was regrettable that the Government cancelled the study on seagulls and their life cycles and habits, because we need to make informed decisions. There have been calls for a cull, although I am not convinced that is the answer. I do not completely reject some other measures that have been mentioned, such as taking eggs and such things. All those could work, but we need to make informed decisions about how we tackle this menace. A comprehensive study of and report on seagulls, their impact and their life cycle would help us to form an action plan to address the issue for the long term and help us to minimise the impact that seagulls have.

I would certainly welcome the Minister's comments and views. Is she prepared to support a call for a new study to be done on how seagulls impact on our coastal communities—as we have heard, increasingly this is not only a coastal issue—so that we can have comprehensive knowledge of the issues and then make informed choices about how we address the problem?

I am grateful to my hon. Friend the Member for Plymouth, Sutton and Devonport for initiating the debate as this is an important issue that many of our communities and constituents want to see us address. I hope this can be the start of not just a big conversation, but some action that might go somewhere and help us to address the issue.

3.9 pm

Patricia Gibson (North Ayrshire and Arran) (SNP): It is a pleasure to serve under your chairmanship, Mr Streeter, and I thank the hon. Member for Plymouth, Sutton and Devonport (Oliver Colville) for introducing the debate. It is quite nice to be in a debate where we all agree about what the problem is, and about the fact that we must find some way through it. Indeed, we all agree that seagulls are a menace to our towns and cities, thriving on litter and behaving aggressively towards other birds, and to pets and people. They are increasingly problematic.

I particularly want to speak because seagulls are a problem for the seaside town of Largs, in my constituency. I recommend Largs to those hon. Members who have not yet been fortunate enough to visit—it is a beautiful and picturesque town with much to offer residents and visitors—but the presence of seagulls is a constant challenge. That challenge can range from a simple nuisance to a downright menace. As hon. Members have mentioned, some people have been quite badly injured; others have escaped with just being terrorised.

[*Patricia Gibson*]

I think that there has already been mention of the first important instrument that should be used to tackle seagulls in coastal areas, which is for the public to stop feeding them. Feeding only attracts more gulls and builds up their expectation that the food is there for the taking. As we know, seagulls hover in the sky waiting to snatch food from local people who are eating fish and chips on the prom. They have even been known to plague Largs residents sitting in their gardens some distance from the shoreline. It is important for day trippers in seaside towns such as Largs to appreciate that they should not feed seagulls. Largs welcomes thousands of day trippers every year, at high season. If someone took their child there on a visit and the child was viciously attacked by a seagull, it seems logical that they would not choose to return.

The world-famous Largs ice cream outlet Nardini's has even warned its patrons not to eat the ice cream outdoors, as seagulls will soon appear to claim it as their own. Indeed, nothing can really be safely eaten on the shorefront without risking life and limb at the hands, or should I say beak, of a vicious seagull. I can top the story told by my hon. Friend the Member for West Aberdeenshire and Kincardine (Stuart Blair Donaldson) about the snatching of a packet of Doritos in his constituency. In my constituency, a seagull was bold enough to snatch a £20 note from an unsuspecting visitor's hand, only to deposit it some distance down the street when it realised that it was not particularly appetising.

The problem of seagulls is not confined to town centres and the sea front, however. They breed and nest on the flat roofs of houses; they squabble with each other; they squawk incessantly at all hours of the day or night, creating a nasty racket; they bombard and soil windows; and they soil washing. That noise and filth, which can only be a health hazard, constitute a serious challenge for residents of even the most picturesque towns, such as Largs.

Largs, however, has been trying to think creatively about the issue. One idea that was mooted, which I do not think has been mentioned today—perhaps there is good reason—is the deployment of birds of prey to control the number of seagulls. That would mean using hawks as a deterrent, working the seagulls away to a much less densely populated area and letting them congregate elsewhere. I understand that that solution has worked in Anglesey, so why not in Largs or other seaside towns? It would also be important to provide a feeding station elsewhere, to move the food source and to keep the seagulls in a designated zone. As the hon. Member for St Austell and Newquay (Steve Double) mentioned, that would be good for the seagulls' health and lifespan.

Assistance has been sought from local councils, and in Largs that has led to the use of solar seagull-proof bins. The bins in Largs are often filled to overflowing, given the high turnover of visitors in summer. When the town is packed with visitors the bins start to overflow very early in the day, but solar seagull-proof bins were installed on the seafront last summer. As well as having improved capacity, they compress the waste and alert the council when they need emptying. That innovation has been warmly welcomed by visitors and residents. I can take no credit for lobbying for those bins; the credit

must go to the local MSP. In the interest of family harmony, I should say that that happens to be Kenneth Gibson, my husband.

Oliver Colvile: I hope that the hon. Lady can help me; I am somewhat confused. We have devolved Assemblies, including the Scottish Assembly. What role does the Scottish Assembly play in all this? Is it a reserved matter for the Westminster and Whitehall Government or is it also a policy issue in the Scottish Parliament?

Patricia Gibson: As the hon. Gentleman will know, the matter is ultimately the responsibility of local authorities, but support and guidance on the treatment of species is given by the Scottish Parliament. He may well ask—I suspect, perhaps unfairly, that this is at the core of his question—what I am doing here today. I will enlighten him: it is to share good practice. I came here hoping that his pearls of wisdom would cascade down to me and that I could report some innovations back to Scotland. I hope that, similarly, I can help him.

Oliver Colvile: I was genuinely concerned to know how the whole thing works. I served on the Select Committee on Northern Ireland Affairs, and every time there was an issue that was thought to be Northern Irish, a Committee member would remind me that it was a reserved matter for the Northern Ireland Executive and nothing to do with us in Westminster. I am therefore grateful to the hon. Lady for taking some time to explain the constitutional impact.

Patricia Gibson: I am delighted to be of service to the hon. Gentleman.

How we deal with seagulls and their interference with the town and residents is a long-standing issue. Further measures are needed, and we have not solved the problem yet. Wild birds are protected by law in Scotland, but—the hon. Gentleman anticipated my remarks—local authorities and authorised persons are allowed to control and manage certain birds for the protection of public health and safety, and to prevent the spread of disease. If the problem is believed to have become unmanageable, and it is thought that public health is in serious danger, local authorities can take further measures.

As the hon. Gentleman said, we need to continue to monitor the situation. The public and residents of coastal areas—but not just coastal areas—need protection from this menace. We must work towards a more permanent solution to this difficult issue and continue to seek innovations. I am keen to hear what the Minister has to say and what pearls of wisdom she can offer, so that I can rush back and share them with the people of Scotland, who will be most interested. I hope that I have provided some enlightenment to the good Members here today who do not have the privilege of representing anywhere in Scotland.

Mr Gary Streeter (in the Chair): You have also name-checked your husband, which is even more important.

3.18 pm

Derek Thomas (St Ives) (Con): I would love to mention my wife, Mr Streeter, but she does not have much to do with this.

I thank my hon. Friend the Member for Plymouth, Sutton and Devonport (Oliver Colvile) for bringing this matter to Westminster Hall. There is no shortage of material from St Ives that I could talk about with reference to seagulls, and their welfare—it is not just about their being pests. St Ives's fame comes most recently, as many in the House will know, from its neighbourhood plan. Hon. Members can talk to me about it later, if they are interested; it hit the international headlines. St Ives is also famous for Barbara Hepworth, the Tate Gallery, beautiful beaches, and seagulls. In fact last July an 18-year-old girl was airlifted to hospital having fallen off a 15-foot wall because of an incident involving a seagull and an ice cream.

This is a very tricky public debate, as I learnt without even contributing to it. At the same time as David Cameron was making his comments last summer, I was having a surgery in a local pub in Longrock. I came out of the pub with the landlady and she asked me to do something about a seagull that had been injured. It was there by her doorway, causing a problem to people coming in and out of the pub. I bundled it up, put it in my MG, drove it home and gave it some care and attention in our chicken run. After I got into my house having done all that, I opened my email inbox and had a whole host of emails wanting me to be removed from the planet because of our attitude towards seagulls. I am aware how tricky this public debate is, so my hon. Friend the Member for Plymouth, Sutton and Devonport is a very brave man for raising it—this is an emotive issue.

There is no disputing that seagulls are beginning to behave badly. We have mentioned most of the issues today. There is a safety issue for both humans—as I mentioned—and animals; we know of stories in Cornwall of pets and other wildlife being attacked by seagulls. There is also an issue for tourism. Interestingly, my hon. Friend the Member for St Austell and Newquay (Steve Double) referred to the noise that seagulls make, but when I am in my constituency on the phone to anyone anywhere else in the country, they always refer to the lovely sound of seagulls in the background. Many people come to Cornwall because of the contribution that seagulls make.

The truth is that seagulls are getting a bit out of control; however, this is no new problem. My hon. Friend also referred to the work that he did on Cornwall Council to try to solve the problem of seagulls distributing people's rubbish wherever that rubbish might be on bin day. I was a member of Penwith District Council—we used to have six district councils in Cornwall before we went to a unitary system—and we were the only council to introduce wheelie bins to solve this problem. We had to do that because of our tourism and our local economy. The risk to health was a real problem. People would put their rubbish out late one night and in the morning it was everywhere but where it was intended to be, so wheelie bins were introduced. It is of great concern in other parts of Cornwall that Cornwall Council refuses to distribute them.

Steve Double: To pick up my hon. Friend's point, and I have some knowledge of this, part of the problem in places such as Cornwall is that in a lot of our very small coastal villages wheelie bins are completely impractical because people do not have the space outside their

properties to store them. That is why, when I was a cabinet member, we introduced the sacks, which are a lot easier to store.

Derek Thomas: My hon. Friend is absolutely right. Again, that is exactly the problem in St Ives; I have elderly residents who have had their bins removed for that very reason. We need to understand how to manage the problem of seagulls and other wildlife distributing our rubbish. That is a big debate—perhaps the subject for another Westminster Hall debate.

Oliver Colvile: Does my hon. Friend not also feel that the seagull cause has been helped by the opening of "Desert Island Discs", which has seagulls calling in the background?

Derek Thomas: When my hon. Friend has the opportunity to go on that programme, I suggest he try to correct that, but I will not go into it.

There are things that we can do and there is some human responsibility in this. First, we really must stop feeding seagulls. There are people in Mousehole, where we have a particular problem, who have their own pet seagulls—or believe they do—and feed them every single morning. People try to explain the situation to them, but they continue to feed the seagulls. There are some really lovely people who think that they are caring for these beautiful birds, but actually they are not being caring at all. We need to get the message out to these people somehow that feeding the seagulls is not good for all concerned—including the seagulls themselves, I believe. We also need to address how we secure our bins and look after rubbish because, again, that is obviously a key tension.

There is some conversation about how we provide contraceptives for seagulls. Rather than cull them, which I assure hon. Members would be a very difficult and unpalatable thing to argue in my constituency, there must be a way that we can introduce contraceptives to seagulls to reduce their ability to reproduce. I imagine that if we did that for three or four years, it would have a significant, positive impact on the number of seagulls. I would not personally be willing to offer to do a drug trial, but I am sure that I can suggest ways that a contraceptive for seagulls can be trialled in that area. I know that it already exists.

Finally, we could remove eggs. I was in the building trade and when I did my apprenticeship I used to go up on high street roofs—mainly those of banks. A colleague of mine, who was considerably older than me and more responsible, would have a yard broom and would wave away the seagulls that were intent on knocking me off the roof because I was removing their eggs. That was part of my apprenticeship in the building trade. We used to go up on roofs at this time of year and a bit later to remove eggs because that was the only way that we could control the problem back then. I understand that we are still able to do that, but there are obviously some safety implications and we need to support communities to do it. In fact, in my building trade I spent a lot of time and lots of people's money on creating all sorts of nets, wires and the various things we have discussed. We even looked at creating ways of spraying water on seagulls, because apparently they do not nest on roofs if they are sprayed.

[Derek Thomas]

There are lots of people out there who are trying to resolve this issue, but I completely accept that we must avoid having to come here every year to have a discussion about seagulls—although that is important until we resolve this issue. We need leadership from Government, support for councils and local communities and an honest debate about not how we cull and get rid of seagulls, but how we keep communities safe, protect coastal communities and tourism and look after the welfare of these magnificent birds.

3.25 pm

Kirsty Blackman (Aberdeen North) (SNP): It is an honour to serve under your chairmanship, Mr Streeter. I really appreciate it that the hon. Member for Plymouth, Sutton and Devonport (Oliver Colvile) has brought this issue to us for debate. I want to start by talking about Aberdeen and the reasons why I feel it is important for me to be here. I was reading the Library briefing—those briefings are really useful for a lot of debates—and about the number of gulls that are apparently in the United Kingdom. Apparently there are 45,000 herring gulls in the United Kingdom. According to the city council's website, there are 3,500 pairs in Aberdeen. That means we have 15% of the UK's herring gull population in our city. That seems quite unbelievable, but it comes from the figures provided. Look up internet memes on seagulls—the Aberdeen seagull is the size of a large dog. It is absolutely ginormous and it regularly gets mentioned; people who come to uni in Aberdeen from Glasgow or elsewhere in Scotland or England are shocked at the size of these creatures. They are not like normal seagulls; they are ginormous. We mostly have herring gulls, although we also have some lesser black-backed gulls.

The hon. Member for St Ives (Derek Thomas) talked about gulls beginning to behave badly, but he went on to say that we have been grappling with this problem for a long time. I grew up in Aberdeen and during my entire lifetime there has been a plague of these creatures. In Aberdeen we introduced wheelie bins and on-street bins as well because we have a huge number of tenement properties in the city. There is a huge number of places where people cannot have wheelie bins. We now have a really good on-street bin system with large bins on the streets. Residents have to put up with a slight loss of parking as a result of those big bins, which have big lids on them. The birds cannot access the bins, so they have been pretty successful in deterring the birds' access to food.

As for the issues caused by seagulls, stealing food and aggression have been mentioned, as has the fact that they used to be on land really only between April and September, but increasingly are beginning to winter in cities and towns rather than going out to sea. That causes a real problem because we continue to have these issues throughout the year.

There are a couple of issues that have not really been mentioned, such as noise. A huge amount of the correspondence that I get from constituents on this subject is about the problem of noise. It is about the concern that they are being woken at 3 o'clock in the morning by seagulls fighting with one another. I used to live on the Gallowgate in Aberdeen. There are several multi-storey buildings there and we were on the 13th floor

of flats. Without fail, throughout the breeding season, we would be woken throughout the night by the noise of seagulls and that was a real problem.

Gulls cause significant damage to buildings, around chimney stacks, for example. They cause damage to people's roofs. They cause damage to business buildings. Again, that has not really been mentioned. There is a financial cost associated with this problem, as well as the issue of people being scared of coming into town because of the aggression.

Seagulls also carry diseases. According to a piece of literature from our local authority—it is also called a "Survivor's Guide"; I think Aberdeen City Council and Aberdeenshire Council got together to compose these survivors' guides—they can carry salmonella and TB. It is pretty concerning to know that we have these creatures roaming about our city, carrying diseases that can badly affect human beings.

Those are all the issues, and my mailbox indicates that seagulls are never far away from the minds of my constituents. When people come in the door to talk to my office staff, they often mention in passing the problems that they have faced with seagulls. In fact, I wrote to the Scottish Government Minister last September following a spate of emails that residents had sent raising concerns.

It strikes me that there are a few things that can be done and a few things that could be done better. In Scotland, taking action by removing eggs, for example, is licensed by Scottish Natural Heritage. Companies can exercise that option, which ensures that the action is taken humanely and only in circumstances where there is no alternative. Action cannot be taken when spikes could be put up. However, gulls are increasingly managing to navigate a way around spikes. They have more of a problem with nets, but nets cannot be put on all roofs.

Steve Double: Does the hon. Lady agree that part of the problem is that gulls are very tenacious and intelligent birds and that no matter what measures we take to deter them, it usually only a matter of time before they find a way around them?

Kirsty Blackman: I absolutely agree. One thing about gulls is that they learn from one another, so if one gull manages to find a way around something, they all do, because they observe one another and learn. Such things as removing eggs and oiling eggs work, as does poking holes in them. Dumfries and Galloway Council did a study on the efficacy of those methods, and the results showed that they work.

Other studies have previously been done in Scotland. In 2010, the Scottish Government commissioned a study on using falcons and birds of prey, as my hon. Friend the Member for North Ayrshire and Arran (Patricia Gibson) mentioned, so they have specific details on that. That 10-week study was not quite as successful as it could have been, but the Scottish Government learnt a lot and have a huge amount of recommendations for people. For example, we do not want to have falcons flying around at the same time each day because the gulls get used to it and stop being scared of them. A huge number of useful recommendations came out of the study. Using such things as distress calls, kites, pyrotechnics and lasers was also suggested.

I appreciate having a chance to speak in the debate. To wind up my comments, an issue we face in Aberdeen is that although the Scottish Government have overarching responsibility for the matter and local authorities are then responsible for specific areas of nuisance, the local authority is clear that individual building owners have to take the action. As we see when we are trying to get lights replaced in tenement buildings, it is sometimes very difficult to get owners to take action. If the council is not the majority owner in a property—for example, a tenement building—and we are trying to get eggs removed from it, it is very hard to get that to happen. Although sharing good practice is a good idea and we should do more of it, there is an issue with who is responsible and the lack of compulsion on landlords and property owners to take action. If they are not willing to take action, the noise made by the birds affects everybody around. Again, I thank the hon. Member for Plymouth, Sutton and Devonport for securing the debate.

3.34 pm

Sue Hayman (Workington) (Lab): It is a privilege to serve under your chairmanship, Mr Streeter. I congratulate the hon. Member for Plymouth, Sutton and Devonport (Oliver Colvile) on securing this debate on an ongoing issue that is familiar to all of us who represent coastal communities. He made an excellent speech with some really important points for consideration. My hon. Friend the Member for Barrow and Furness (John Woodcock) spoke passionately about how the problem affects his constituents, and there were well informed and important contributions from the hon. Members for St Austell and Newquay (Steve Double), for North Ayrshire and Arran (Patricia Gibson) and for St Ives (Derek Thomas).

Gulls are clearly a real problem in many parts of the country, particularly when they are breeding, but it is also clear that there is no quick-fix solution. We need to understand bird behaviour before deciding on a final course of action. As we have heard, gulls are problematic, particularly when they are breeding and nesting. They are often doing what any parent would do if they felt threatened: they are protecting their young. Urban gulls are often just looking for a nesting site that they see as safe from predators and with a good food supply. They do not know that they are sitting on top of somebody's house or business.

We have heard that gulls enjoy a protected status in the UK under the Wildlife and Countryside Act 1981, which means that they cannot be intentionally killed or their nests intentionally destroyed. The Royal Society for the Protection of Birds, of which I am a member, notes with concern that the British gull population is in decline, so we have to look at what we can do to solve the problem without contributing to the further decline of the species.

Although there is marginal support for culling gulls, I support the RSPB's position—and, it seems, that of the majority of hon. Members in the debate—that that should not be the immediate way forward. We should instead look at non-harmful deterrents as a priority. As Natural England has said, many problems associated with gulls can be avoided by taking preventive measures. Hon. Members have talked about the nets and wires that can be installed to deter nesting on buildings, and the need for better food storage and waste facility areas

so that the food waste is kept secure and away from gulls. The public also needs to be discouraged from deliberately feeding them.

Gulls live for a long time and are intelligent and have good memories, so they have quickly learned that humans are a reliable source of food. We need to ensure that food is not just dropped and left—people need to be encouraged not to litter. We also need to ensure, as several hon. Members from Cornwall have mentioned, that there are secure bins or sacks in which food can be disposed of.

This problem has been going on for an incredibly long time, and although we could have an annual debate, we just need to crack on with tackling it. It is time that the Government gave councils that are dealing with this problem the resources that they need to manage the gull populations and solutions properly.

We have also heard about noise. Some areas have trialled high-frequency noise emitters—they are not too dissimilar to the Mosquito devices that have been used in areas with high levels of anti-social behaviour—but the results have been mixed. Local residents who can hear the noise have complained that their lives have been blighted and made a misery, so that solution clearly cannot be used everywhere.

As mentioned by the hon. Member for North Ayrshire and Arran, one way of potentially deterring gull populations is through the use of birds such as hawks or falcons. In 2009, an interesting study was conducted by the Scottish Government in Dumfries, just across the Solway from my constituency. I am sure that hon. Members are aware of the Harris hawks that we use on the parliamentary estate to keep down the number of pigeons. It seems that peregrine falcons could play a role in combating certain species of gulls, not by attacking or killing them, but simply by scaring them away. A humane system of deterrence such as that should be encouraged.

As we have heard, this is a serious health and safety issue. Last summer, in Maryport in my constituency, residents were surprised to see a notice come through their door saying that their post could not be delivered due to seagulls.

John Woodcock: How did the notice get through the door?

Mr Gary Streeter (in the Chair): Please continue, Ms Hayman.

Oliver Colvile: If I may ask the same question, Mr Streeter, how did the leaflets get through the door, then?

Sue Hayman: My understanding is that the seagulls were extremely aggressive. I do not know how the postman managed to get the notice through the door. That is an extremely good question, and I shall have go back and find the answer—perhaps he put it in a different box. Anyway, the Royal Mail in Maryport managed the problem by getting a local falconer, Mike Morrison, to offer up his services and his hawks and successfully scare the gulls off so that the postmen could return and deliver the local mail.

Meanwhile, we have also had a problem with dive-bombing gulls on an industrial estate in Carlisle. Local businesses have got together to deploy an army of fake hawks to stop the gulls from nesting on their roofs.

[*Sue Hayman*]

They report that it is working so far, so perhaps local councils could support that approach, providing that the Government give them the funding that they desperately need to buy the fake hawks.

Does the Minister agree that a cull is not the way forward and that we really need to look instead at non-harmful deterrence methods? Much has been said in this debate about the role that local authorities play in managing the problem, but they will only succeed if they are given the funding that they need to implement whichever method they believe is right for their area. We have heard a lot of good ideas that could solve the problem, but as we know, councils are seriously strapped for cash at the moment. Residents and businesses are being left to fork out their own money or put up with the situation.

I would really like to hear from the Minister how the Government plan to ensure that local authorities are given the financial support they need to tackle the problems caused by gulls. We have heard that the former Prime Minister David Cameron's suggestion of a way forward was a big conversation, but I reiterate other Members present in saying that now is the time for action.

Mr Gary Streeter (in the Chair): Before I call the Minister, I remind her to leave a few moments for Oliver Colvile to sum up at the end.

3.41 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, Mr Streeter.

A flock of seagulls can be a very frightening sight for many people when they anticipate being dive-bombed or attacked. Some may have thought that this would be a light-hearted debate, but hon. Members have been assiduous in raising genuine concerns and in painting a vivid picture of the problems caused by the high density of gulls in our coastal towns and cities as well as some places inland. My hon. Friend the Member for Plymouth, Sutton and Devonport (Oliver Colvile) is well known in the House as the saviour of the hedgehog, but now he will be known as the scourge of the seagull.

The Government recognise that gulls can be problematic when found in high densities in urban areas—my hon. Friend mentioned the problems recently experienced in Plymouth. I fully understand that gulls can be a serious nuisance. Sensible and proportionate action should be taken by using the range of measures already available and by raising awareness about what works locally. We have heard many good examples of solutions today, but local councils especially will know best what works in their areas. A falcon may be suitable in one part of the country, but in other places we may need certain kinds of bins or sacks, as my hon. Friend the Member for St Austell and Newquay (Steve Double) pointed out—and as I experienced recently when I holidayed not in his constituency but in Salcombe, where we had certain kinds of waste to deal with.

This debate was headline news today. The hon. Member for Barrow and Furness (John Woodcock) asked what we can do to raise awareness of the issue. Well, it has made “BBC Breakfast”, so that has raised some awareness.

People may watch this debate live or on catch-up and headlines may follow in the media to make people realise what they can do.

John Woodcock: Does the Minister agree that it would be totally unacceptable, cruel and messy for people to adopt the solution that has been circulated on the internet of using bicarbonate of soda and bread? That is a completely unacceptable way of dealing with the seagull menace.

Dr Coffey: I completely agree. An hon. Member whom I will not name raised that idea with me this morning and I told them off, because it is not acceptable to endorse such a cruel way of tackling the issue.

Hon. Members have referred to gull behaviour and to the fact that the urban gull is starting to display unacceptable characteristics. A build-up of gull populations is often the result of a readily available food supply and the availability of attractive sites for roosting or breeding. Herring gulls and occasionally lesser black-backed gulls roost and nest on buildings, where—as we have heard—they may become aggressive, particularly when incubating eggs and rearing young. Their protective behaviour can result in attacks on members of the public who are in the street or who need access to roofs for maintenance purposes.

I understand that gull behaviour can have a negative impact on people's lives in coastal towns and cities, including inland—we have heard about Cheltenham, for instance. However, by using common sense, we can deal with the issue effectively through existing legislation and practical local action. I am particularly keen to draw attention to examples of local authorities taking such positive action to manage gulls, but I first want to set the context of the conservation status of gulls.

My hon. Friend the Member for Plymouth, Sutton and Devonport will understand that although lesser black-backed gulls and herring gulls may cause problems locally, there are serious concerns about their conservation status at a national level. As has been pointed out, gulls, like all wild birds, are protected under the Wildlife and Countryside Act 1981. Despite their appearance of thriving in urban areas throughout the UK, breeding populations of the herring gull have declined sharply and populations of the lesser black-backed gull have declined at a number of important sites. The UK herring gull population fell by 55% between 1970 and 2002, despite increases in some urban populations. As a result, the herring gull is listed as a species of principal importance and has been red-listed as a bird of conservation concern, while the lesser black-backed gull is a conservation priority and is amber-listed. The great black-backed gull is a scarce breeding species in England, with a breeding population of less than 1,500 pairs and wintering populations also in decline; it now meets the qualifying criteria for amber-listing as a bird of conservation concern.

Steve Double: Is the Minister aware of a point that I made earlier? Part of the problem is that a gull living in a town has less than half the life expectancy of a gull living in the wild, and that is one of the reasons for gulls' diminishing numbers. Getting them out of our towns and back where they belong is one way that we can address the declining population.

Dr Coffey: I agree that that is the outcome we want, but we cannot just wish the issue away by saying, “Let’s get them out of towns.” I also agree that this is a man-made problem, because people are feeding and have lost control of the situation. The messages that we are sending today and that are being sent by councils are important, because we need to get it across to people that by feeding these birds they are worsening the problem, rather than making their “new best friend”, which is how they might see it—it probably does not help that Hastings adverts make seagulls look cute.

We want to see these wonderful birds in their natural habitat, rather than in an urban habitat. When we see large numbers of them in certain urban areas, it may be easy to forget that their conservation status is under threat at a national level. I am sure that hon. Members will understand that, given the decline in breeding populations and the pressures on them, there are no plans to change the legal protection afforded to gulls.

There has been some discussion about research—my hon. Friend the Member for Plymouth, Sutton and Devonport referred to the University of the West of England. The Department for Environment, Food and Rural Affairs looks forward to reading the university’s findings, and I am sure that we will comment on them in due course, if appropriate. As for the £250,000 grant, I am sure that my answer will disappoint my hon. Friends, but I do not believe that such research is currently necessary, because a wide range of tools are already available. However, DEFRA has commissioned research, which is still at an early stage, on the use of immunocontraceptives in a range of species, including birds. There are also possible evidence projects with Natural England, including a key project on gull life that aims to deliver special protection area site action and a full survey of urban nesting gulls. We are waiting to find out whether our bid for EU funding has been successful; we hope to hear by the end of March. A studentship has begun, led by Exeter University in partnership with the British Ornithological Trust and Natural England, and this summer fieldwork will commence that aims to understand differences in the urban and natural breeding populations of urban gulls. Research is already ongoing.

John Woodcock: The Minister is being generous in giving way, but either we want these gulls in urban areas or we do not—and we are clear that we do not. She is clear on that as well, so is she interested in exploring the idea of a regional protected status for gulls that applies only outside urban areas where they are a menace and are not wanted?

Dr Coffey: I am afraid the law does not allow that—

John Woodcock: Then let us change the law.

Dr Coffey: It certainly will not be possible to do that until we leave the European Union, and I am concerned that opening up elements of regional protection might make the law unworkable. Nevertheless, let us consider that when the opportunity is there, in due course. I am sure the hon. Gentleman will return to this subject, although I am also sure that he will try to ensure that we never again have to debate these measures, by getting on with things.

Kirsty Blackman: Will the Minister give way?

Dr Coffey: I will just make a bit of progress, because I will talk about Scotland and Aberdeen—

Kirsty Blackman: My point was on the studies.

Dr Coffey: Okay; I give way.

Kirsty Blackman: Specifically on the studies, the hon. Member for Workington (Sue Hayman), who spoke from the Labour Front Bench, and I both mentioned the study undertaken in Scotland in 2010. I would appreciate it if the Minister had a look at that. I would also appreciate it if the contraceptive study that DEFRA is undertaking, which she has just mentioned, could be shared with the Scottish Government when it comes out.

Dr Coffey: I am quite sure that that research can be made available, and the research the hon. Lady refers to is well established and available for anybody to see.

The current legislation provides sufficient powers to take appropriate action to tackle the problems caused by gulls. It provides a range of methods that those authorised can use to manage birds humanely, and it permits population control, nest clearance and egg control. I assure the hon. Member for Barrow and Furness that landowners can employ competent others to act under a general licence. While there are no provisions within current legislation to allow the control of birds specifically for the purpose of relieving nuisance or damage to property, the legislation allows for the control or disturbance of certain wild birds for particular reasons. Those most relevant to urban gull issues are if such action is taken in the interest of public health and safety, or to prevent disease.

Natural England’s general licence allows those authorised to kill or take lesser black-backed gulls and to damage or destroy the nests or eggs of lesser black-backed gulls and herring gulls to preserve public health or safety, or to prevent the spread of disease or serious damage to livestock and crops. These general licences have a very low regulatory burden. Those authorised do not need to apply to Natural England to make use of them, provided they comply with the licence conditions. These conditions include making sure that non-lethal methods are ineffective or impractical, and users do not need to report any action undertaken to Natural England.

Where an individual cannot undertake the control required under a general licence, it does not mean they cannot take action, but they would need to apply for an individual licence to do so. Natural England commonly issues individual licences to permit the control of gulls for health and safety purposes. On average, it issues 17 individual licences for herring gull control for health and safety purposes annually, and it grants most of the applications that it receives. Indeed, the Wildlife and Countryside Act 1981 also provides for action to be taken without a licence if the action in question is urgently necessary, such as preserving public health and safety. This allows a person to take action in a genuine emergency without fear of committing an offence, where it would not have been possible for them to have predicted the issue and to have acted under a licence. I understand that between 2014 and 2017, Natural England issued 10 individual licences in Devon to permit the control of large gulls, in addition to the general licences.

While licensing control of birds populations can help to control the number of gulls, we should not rely solely on a licensing approach to control gull populations. We

[*Dr Thérèse Coffey*]

should look at other measures to manage the problem in a sustainable way. Local authorities, businesses and individuals are able to take a range of actions to manage urban gull populations. We encourage all local authorities and businesses to help to address the problem by, as has largely been pointed out, removing sources of food such as fallen fruit and accessible household waste, using bins with secured lids, ensuring that domestic animals are not fed outside, using birds of prey to scare gulls, and providing local education measures. In all cases, individuals and local authorities concerned about the effects of gulls are recommended to seek advice from Natural England's wildlife licensing unit, which offers free advice to those experiencing problems with gulls. Local teams have the knowledge and expertise to help.

I am sure that my hon. Friend the Member for Plymouth, Sutton and Devonport is aware of some of the excellent practice across the country. In his own county, East Devon District Council has introduced a range of current control measures—I see that my right hon. Friend the Member for East Devon (Sir Hugo Swire) is in his place, I think for the next debate. These measures include using litter bins in seaside towns with secure openings to prevent scavenging, displaying posters in seaside towns and distributing them to local food businesses—

Oliver Colville: Will my hon. Friend give way for a moment?

Dr Coffey: No, I am afraid that I need to make progress. I know that I am pointing out great things that East Devon, rather than Plymouth, has done; nevertheless, I feel I need to say it.

Posters in seaside towns can inform residents and tourists of the risks of feeding seagulls. Other control measures include offering targeted advice to property owners on methods of protecting their own buildings. In addition, East Devon's seaside towns have their refuse collected earlier in the day during the summer—I say that to answer a point made by the hon. Member for North Ayrshire and Arran (Patricia Gibson). Those towns have their refuse collected earlier in the summer, which successfully reduces littering caused by seagulls.

Sir Hugo Swire (East Devon) (Con): I am grateful to the Minister for mentioning what East Devon is doing. Of course, we have problems in Exmouth, Sidmouth and other seaside holiday towns. Does she think that other local authorities would do well to learn from what East Devon is pioneering?

Dr Coffey: That is a fair point. I also point out the example of Herefordshire, which is not too far away from my right hon. Friend's constituency. Herefordshire County Council has taken sensible and effective steps, such as removing gulls nests and eggs from April to August, which has meant that the number of pairs of breeding gulls has dropped considerably, from 500 in 2008 to approximately 200 in 2015.

The Local Government Association is well placed to share best practice on this issue. However, I must disappoint the hon. Member for Workington (Sue Hayman) by saying that central Government cannot provide additional resources on this matter. Having said that, it so happens

that one of my councillors from Suffolk Coastal Council, Councillor Andy Smith, is chair of the coastal special interest group at the LGA, and I will ask him to consider this matter. I will also make sure that he invites councillors from inland towns as well as from coastal towns to contribute.

I am grateful to all Members for debating this issue and raising their constituency concerns. I encourage local authorities to continue to work together to share examples of methods and techniques that successfully deal with the issue of gulls in seaside towns and cities.

My hon. Friend the Member for Plymouth, Sutton and Devonport referred to "Desert Island Discs". I insist that he has a record from that excellent Liverpool band, A Flock of Seagulls. My particular favourite is "The More You Live, The More You Love", but he can refer to my contribution to find more song titles that he might wish to know about.

I hope that my hon. Friend understands that, although this issue is important, a lot of the action to deal with it must be taken locally and individually, and we must strike a balance between protecting species such as gulls and also fulfilling our international commitments, while mitigating the impacts of such species in our towns and cities.

I am sure that many hon. Members will be able to go back to their councils and their constituents over-brimming with the ideas that we have heard about, including those from over the border in Scotland; we heard some great examples from there. In fact, a professor from Leeds University has said that Aberdeen was getting this matter right, including flying a bird of prey around one of the local sports stadiums before matches, such is the prevalence of gulls and the risk of their attacking. So there is plenty of good practice to share.

Mr Streeter, I hope that we never again have to debate this matter. Nevertheless, I am sure that we will return to it. As we have heard, these gulls are clever creatures, but I am sure that we can defeat this menace.

Mr Gary Streeter (in the Chair): Oliver Colville, you have a few minutes to respond.

3.57 pm

Oliver Colville: Thank you very much, Mr Streeter, for chairing this debate so well; I am incredibly grateful to you for doing that. I also thank the hon. Members who have participated in this debate; I thank them all very much indeed. I especially thank the Scottish National party Members, for—quite rightly—giving some lectures on how the devolved responsibilities fit in.

I am grateful that the Minister has taken very seriously this whole matter of gull wars; in fact, if I was reapplying for this debate, I would call it a "gull war" debate, rather than necessarily one about seagulls.

A number of issues still need to be addressed. Evidently, we need quite a large amount of research to be done, and I encourage the Select Committee on Environment, Food and Rural Affairs to take this matter up and hold an inquiry into it. There is a lot of knowledge out there about what we should be doing.

I just say to my hon. Friend the Minister that although Plymouth is in the county of Devon, it is a unitary authority. Consequently, it is very independent of what takes place in Exeter county hall. Finally, could the

Minister consider having a page on the DEFRA website that says what people can do to try to deal with this issue? We need to bring together a lot of the information that people have talked about today, so that we can have best practice and get the LGA much more firmly engaged. I am quite keen to ensure that we continue to monitor this issue and hold the Government to account, and I hope to apply for another debate on it next year, when we can see what progress has been made. I also thank my researcher, Stuart Pilcher, who has done an enormous amount of work on this issue and helped me to write my speech.

Question put and agreed to.

Resolved,

That this House has considered seagulls in coastal towns and cities.

Flood Defence Projects: South-west

[MARK PRITCHARD *in the Chair*]

4 pm

Mr Ian Liddell-Grainger (Bridgwater and West Somerset) (Con): I beg to move,

That this House has considered management of flood defence projects in the South West.

I am delighted to be working under your chairmanship, Mr Pritchard. I thank the Minister for responding to two debates in a row—seagulls and flooding. There is a sort of synonymy to that. I am grateful for this debate. It is a short one, and I know that my right hon. Friend the Member for East Devon (Sir Hugo Swire) wishes to contribute.

Three years ago, almost to the day, I stood in the Somerset levels in waders, in floodwater, fighting for Government action. We witnessed the most appalling and predictable natural calamity when rain began to fall. It was a relentless season of downpours, and many of my constituents were stranded and made homeless as the riverbanks burst.

My right hon. Friend the Minister for the Armed Forces is present, and I would like to let the Chamber know that at this precise moment there are three battalions in England, one in Scotland and one in Northern Ireland on stand-by for flooding. This is a critical time to have those people, and I am thankful for the work they did last weekend. The work they did in my patch was absolutely phenomenal. I know that they are ready to go.

Returning to what happened in my constituency, some of the sewers gave way and the landscape began to vanish under a feisty, filthy water. At the time, I was very critical of the Environment Agency and its then chairman, Lord Smith. I described him in a couple of TV interviews as a coward for failing to visit the stricken area. When asked what I would do if he turned up, I replied that I was tempted—and I was—to flush his head down the nearest water closet. Forgive my straightforward turn of phrase; they were tense and difficult times as 17 miles of my constituency had become an inland lake. Lives had been ruined. Tempers were at breaking point.

All that is happily behind us, but there is a saying about things destined for the water closet: Lord Smith may have been flushed out of the Environment Agency, but he remains afloat as provost of a Cambridge college and chairman of the Task Force on Shale Gas. How apt and rather sardonic. The good news is that the Environment Agency is in much safer hands these days and plays a far more proactive and constructive role in protecting us from the ravages of flooding. For that, the Government deserve a great deal of credit, and I thank them.

The Minister represents a constituency with flooding challenges of its own, so she fully understands the subject from personal experience. Because of her hard work and the efforts of her predecessors, Bridgwater and West Somerset can now breathe much more easily whenever we hear raindrops.

After the crisis of 2013-14, a new era of flood defence was born, with the creation of the Somerset Rivers Authority. The idea was simple and sensible: take back control of flood defences from the centralised Environment

[Mr Ian Liddell-Grainger]

Agency and base it locally with people who live and work in the area. The agency would use its technical skills to get the job done and the authority would set out the important tasks to be tackled. There were big battles to be fought, of course. There had to be muscle to ensure that the then Prime Minister came up with enough money to pay the large sum we wanted for the initial remedial work, but, with determined arm-twisting, David Cameron delivered. At this point, I must pay tribute to the Minister for her efforts in pushing forward the legislation to secure the SRA future funding. We are all very grateful.

Now I would like to reveal one or two skeletons, unfortunately. It has not been easy getting the SRA set up and running. The authority was designed to bring together all the experts from the old river drainage boards and Somerset's local authorities. The Government provided starter money, but the deal demanded local authority contributions too, some of which were easier to obtain than others. Without doubt, the worst offender was Taunton Deane Borough Council—my neighbour.

When it comes to alleviating flooding, Taunton Deane could not be called a big spender. The local authority has failed to deal properly with flood risks in Taunton over many years. It skimps. It calls for consultants' reports. It sits on the results. But when the waters rise in Taunton the rivers burst in my constituency, not in that of Taunton Deane. The River Tone snakes its way right past the centre of Taunton and ends up joining the overworked River Parrett down in the middle of the Somerset levels, as the Minister is aware. That is where the worst flooding happened three years ago. Since then, the neighbouring Sedgemoor District Council has worked tirelessly, along with the Government, to get the important parts of the River Parrett properly dredged—grateful thanks again. Much of that great and important job has been done, but it is absolutely pointless if your next-door neighbour leans on his shovel and does next to nothing. I am sorry to report that that is precisely what has been happening in Taunton for almost 60 years—it ain't new.

I hope that the House will forgive me for offering some of the background to this sad state of affairs. Records of flooding in Taunton go back to the late 19th century. Since then, we have been seriously flooded in 1929, 1960, 1968 and 2000, and, of course, more recently. Without a shadow of a doubt, the worst incident was in 1960 when, as the river overflowed, 500 properties in the town were washed out. Some parts of the town were 3 feet underwater. It was a soggy mess. Plans for a relief channel were suggested after that. The old Bridgwater to Taunton canal could have been used, which, in engineering terms, made perfect sense, but the estimated £1.7 million cost was considered prohibitive. So the cheap option was chosen, and the riverbanks were upgraded just a bit, but by the early 1990s it was obvious that more needed doing. The banks had to be built up again, and this time a guarantee was given to safeguard everyone for 200 years.

Rule one: never take a guarantee at face value. Barely a decade later, the River Tone flooded the town, and there have been more recent floods in 2004, 2008, 2009, 2012 and 2013. That gives Members the general idea: too little, too late, too cheap. It is the same old Taunton story repeated time after time.

Today, just as for the past eight years, Taunton Deane is led by Councillor John Williams, a builder with an extravagant plan for the future. By now, I think he probably believes he can walk on water and, if he is not too careful, pretty soon he will have to do just that. Mr Williams wants to grow Taunton by building. His dream is to put up 17,000 new houses by 2028. That is unbelievable growth, higher by a margin of 70% than the average Government prediction for new houses anywhere. It is absolutely impossible. Last year, with the help of Mr Williams's mates in the local building trade—firms such as Summerfield, which seems to own an awful lot of land around there—Taunton Deane Borough Council presided over the construction of just 883 new houses, and that was a record then. If the council carries on at that rate, by the end of 2028 it will be way short of the insane target of 17,000 houses.

But, say what you like about Councillor Williams—a lot of people do—he is nothing if not determined. His absurd new building target was set in 2010 and he is sticking to it. There is a faint chance, and I sincerely hope it is a faint chance, that he might even get the Government to put in money to help him on his way. Mr Williams has torted up his plans and submitted a bid for Taunton to build a new garden town. What his glossy documentation fails to point out, however, is that all this manic building will take place on some of the wettest and flood-prone land in the United Kingdom. The much-trumpeted Taunton garden town could well turn out to be tomorrow's Atlantis. The builders might need aqua-lungs and flippers. Does Summerfield employ frogmen? Perhaps Wrencon—Councillor Williams's personal building firm—does.

Those who follow parliamentary affairs will know that I take a dim view of some of Mr Williams's activities. It is wrong for any elected councillor to accept a private building contract on his own patch without declaring it, but Taunton Deane has no rules about that. Even the council leader is immune. That is not just strange; it is downright wrong. It undermines the confidence we deserve to have in local government leaders at any level. No wonder people in Taunton have become highly suspicious of this leader and his empire-building plans.

Before I came to Westminster Hall this afternoon, I took a hard look at the Environment Agency's flood maps for the Taunton area, and I ask the Minister to do the same. The blue bits represent risk, and the blue bits are almost everywhere. I have also read detailed reports compiled by flood experts on behalf of Taunton Deane. They do not go as far as to say, "Stop before it's too late," but they never minimise the threat and they urge absolute caution unless flood defences are radically improved. Let me quote from one of the latest reports, completed in 2014:

"The town centre and many existing properties rely heavily on the degree of protection resulting from the existing flood defence embankments and structures. The condition of these... is very variable, many will need to be replaced... None of the defences will provide an appropriate standard of protection... and they do not include a 'safety margin'... which is essential... where so much property and business could be affected by small changes in the predicted flood water levels."

John Mc Nally (Falkirk) (SNP): As chair of the all-party group on flood prevention, I am undertaking a routine check on all areas throughout the United Kingdom. I started in Tadcaster last week, and I hope

to complete some areas over the next five or six weeks. Is the hon. Gentleman minded to allow me to visit his area to gather some information?

Mr Liddell-Grainger: I would welcome the hon. Gentleman. The Minister has been down to look not just at the flooding, but at Hinkley Point nuclear power station—she has Sizewell. My right hon. Friend the Member for East Devon is one of my near neighbours and we welcome anyone coming to look at the flooding. It was a disaster for us all. The Minister's Parliamentary Private Secretary, my hon. Friend the Member for South East Cornwall (Mrs Murray), is a Cornish MP and therefore knows how much flooding affects our area. I would welcome the hon. Gentleman and personally host him.

I will continue as I have a little bit to go and I know that my right hon. Friend the Member for East Devon wishes to have his say. This is what the flood experts had to say on Councillor Williams' building bonanza:

"The proposed new development in the town centre and other sites will increase the volume of water discharging to the Levels and Moors".

That was the clearest warning that Taunton's building bonanza could spark floods next door. The report said that

"doing nothing is no answer".

The only way to tackle the issue is with a new water storage facility costing around £15 million, but will it ever happen? I checked the National Rivers Authority programme for the coming year and there was no mention of it. Apart from some maintenance on French weir in the centre of town, Taunton is not scheduled to do any serious flood defence work in the foreseeable future, yet the council leader is boasting that he has the money in next year's budget to deal with floods. How much? Slightly less than £2 million. That does not make sense. It is not enough.

Once again, Taunton is cutting corners, and it is not using its own cash either. Councillor Williams intends to spend the new homes bonus, which is a grant he gets from central Government, as the Minister is well aware. It is sleight of hand—trickery—and it is cheating the public. Everyone knows that flood prevention costs serious money. We know that. Everyone knows that budgets are tight. That is agreed. Everyone would understand if Taunton simply could not pay, but the council is prepared to spend money like water on totally pointless things.

Last night, the council voted to borrow millions of pounds—you are not going to believe this, Mr Pritchard—to refurbish its office. The Deane House is the council's headquarters and it is 30 years old. The council would get about £2.5 million if it sold the place. Its advisers said it was not worth a penny, but Councillor Williams, the jobbing builder, intends to fork out £11 million to do it up. For that kind of cash, looking across the Atlantic, he could install gold lifts, marble walls and champagne fountains. Eat your heart out, President Trump; look what President Williams has got! A short step down the street is Somerset County Council's headquarters, which the Minister knows. Taunton could have moved there to a brand new office for a fraction of the cost. It was offered a building. Does that sound like a good idea? I know a man who thinks so:

"If Taunton Deane moves to County Hall the Council will form part of a gathering of other public sector services, to create a one-stop shop for our community."

The writer is none other than the leader of the council: John Raymond Williams, to use his full name. The words are on Taunton Deane Borough Council's own website, but like the author, they are slightly out of date.

The reputation of any council depends on leadership and management. I do not have to tell anyone here that Taunton Deane has a leader with bizarre territorial ambitions. He is trying to swallow up West Somerset Council, in my patch. He has an absentee chief executive with the worst sickness record of any local government officer in the whole of England. I am sorry to say that I would not trust either of them to run anything. Least of all, I cannot and will not trust them to look after the flood prevention measures that affect my constituency so badly.

4.12 pm

Sir Hugo Swire (East Devon) (Con): I am most grateful to you, Mr Pritchard, for allowing me to take part in this short debate. I cannot aspire to maintain the drive and momentum of my hon. Friend the Member for Bridgwater and West Somerset (Mr Liddell-Grainger), but I want to use this opportunity to raise one specific issue with the Minister. To date, I think she is unaware of it.

I want to talk specifically about a number of properties on The Green in Whimple that are adjacent to a local river and a train line. I have been following the issue for a number of years, not least because one of my councillors, Councillor Peter Bowden of Devon County Council, lives in one of the affected properties. The problem is that for a number of years, his property and the surrounding properties have been beset by flooding. We have identified the solution to the problem, which is clearly to replace the culvert under the railway line. There is some funding in place for that work, but Network Rail is unfortunately preventing that crucial work from being carried out. I draw this case to the Minister's attention because I suspect that it is not the only place in the country where there is a stand-off between the different agencies involved.

I have had meetings on site with representatives of Network Rail, but they have made it clear that in the event of works to replace the culvert overrunning, my local authority, East Devon District Council, could be liable for a fine of £4,000 per minute, which is clearly ridiculous and unaffordable. The theory behind that, presumably, is to ensure that the works are carried out quickly and efficiently so as not to disrupt train times, and I have sympathy with that, but how can a local, hard-pressed district council possibly authorise such a project to be undertaken if it incurs a potential liability of £4,000 a minute? That is the reality.

As I said, I suspect that that situation is not unique. Indeed, I can cite another example. In the neighbouring constituency of Tiverton and Honiton is the village of Feniton, and it is affected by the same problem. It would be interesting to know whether the Minister is aware of problems elsewhere in the country. It requires ministerial involvement at this stage. We have tried all the different agencies. We have brought them all together. We have come up with a resolution, but it is impossible for my constituents to be exposed in this way to flooding that will happen time and again until the situation in Whimple is addressed.

[*Sir Hugo Swire*]

Will the Minister please look at this particular situation again and, if necessary, bring all the interested parties together, including Network Rail, the local authority, the Environment Agency and anyone else she wishes to finally resolve this situation? I know that my neighbour, my hon. Friend the Member for Tiverton and Honiton (Neil Parish), who is in his place, would very much welcome a meeting with the Minister, if we can have one, to hear how the situations in Whimple and in Feniton, which I know he cares so desperately about, can be resolved.

4.16 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, Mr Pritchard. I congratulate my hon. Friend the Member for Bridgwater and West Somerset (Mr Liddell-Grainger) on securing this debate on the management of flood defence projects in the south-west. He has spoken passionately on behalf of his constituents and the wider area. I note with concern his comments on Taunton Deane Borough Council and his long-standing concerns about its performance in regard to flooding. I also note his other specific concerns about possible sites for development. I am sure those words will have been heard clearly in Taunton Deane. He will understand that I am not going to take direct action, but I am sure that in moving forward, those concerns will be taken on board.

My hon. Friend may not be aware of this, but I hope he will join me in acknowledging the dedicated work of the Environment Agency's flood and coastal risk manager for Wessex, Nick Lyness, who sadly passed away last month. Nick worked for the Environment Agency and its predecessors for more than 30 years. In that time he made a huge impact in helping to better protect the country from flooding. Nick had a personal hand in the Somerset flood action plan. He never lost sight of the fact that we are here to serve the communities and to ensure that we make things safer and better for them. Thousands of people have benefited from his tireless work even though they may not realise it. I am sure that those present today would also like to acknowledge the commitment that Nick made to the management of flood risk in the south-west.

I am aware of the impact that flooding can have on a community. I have supported my constituents in Suffolk following flooding in recent years. My hon. Friend has already acknowledged that I am absolutely committed to reducing the threat of flood risk. He will know that the Government continue to play a key role in improving protection for those at risk of flooding. We are investing £2.5 billion in more than 1,500 flood defences to better protect the country from flooding. That will protect more than 300,000 homes by 2021. We have increased maintenance spending in real terms over this Parliament to more than £1 billion.

In the south-west of the country, the Government spent £169 million in the previous Parliament, providing better protection to more than 15,000 homes. Within our current programme of work to 2021, we are investing £176 million, which will provide better protection to more than 26,000 additional homes. I recently saw some

of that good work on a visit to Exeter last December, where a new flood defence scheme is being constructed. It will provide better protection for more than 3,000 homes, and includes Government investment of more than £24 million.

My hon. Friend's constituency is made up of a diverse range of watercourses and coastline, from the fast-flowing rivers and streams that start on Exmoor and in the Quantock hills, to the tidal River Parrett, which makes its way up to the Somerset levels, and the long length of coast from Porlock to the Steart peninsula. As he said, there is a history of flooding in the constituency, including the devastating flood that took place nearby in 1952, when 34 people lost their lives at Lynmouth and a further 420 were made homeless, and the more recent coastal flood in Minehead, in 1990. Everyone is particularly aware of what happened in the winter of 2013-14, when communities on the levels experienced widespread flooding, particularly within the Parrett and Tone river catchments. The Environment Agency estimates that there were 100 million cubic metres of floodwater covering an area of 65 square kilometres.

Following those floods, the Government provided more than £20 million to support actions in the Somerset flood action plan, which included the need for a new locally funded body to bring local flood risk management bodies together to work in partnership and undertake additional flood risk management work. The Somerset Rivers Authority was established in January 2015, bringing together partners to give real control over flood risk in the area. Supported by £1.9 million of start-up funding, the local authorities in Somerset were given the ability to continue to fund the SRA through additional council tax flexibility. We are working with the SRA on its long-term funding arrangements; my hon. Friend knows that I am working hard to make sure that, when parliamentary time allows, we will progress that legislation.

Some of the work that has already been led and carried out by the Environment Agency on behalf of the Somerset Rivers Authority includes improvements to the resilience and operation of both Northmoor and Saltmoor pumping stations and the preparation of an outline design to improve the capacity and flow of the King's Sedgemoor Drain and the River Sowey, which will help to alleviate the pressure on the River Parrett and across the levels. A project that finished last autumn, adding two new culverts and weirs at Beer Wall, allows for better management of flood levels.

My hon. Friend will be pleased to know that in the last Parliament, the Government invested £25 million in protecting homes. The current planned investment up to 2021 is more than £17 million. The regional flood and coastal committee, which has a majority of local authority members, decides the schemes to prioritise, making local choices and agreeing the final programme, which allows for local input into decisions on where investment should be prioritised.

I want to point out that there have been several other investments, including the Steart managed realignment scheme, the Cannington Outfalls project, the King's Sedgemoor Drain and planned investment in the Parrett Estuary Cannington Bends project, the Cannington flood defence scheme, and the Curry Moor reservoir. The Environment Agency has also been making good progress looking at the different options for a potential tidal barrier on the River Parrett near Bridgwater. Local

consultation has taken place with stakeholders. Once a preferred option has been chosen, public consultation is expected to start this spring. A barrier would help to ensure that Bridgwater is better protected from the tidal influences of the River Parrett. If the business case gains final approval, it is expected that the barrier will be constructed and in operation by the summer of 2024. We forecast that, if the business case allows, our investment will be £25 million. I hope my hon. Friend is assured that we take his constituency very seriously.

It is also right to point out that the Environment Agency has successfully implemented some natural flood management measures on the National Trust's Holnicote estate within the Horner Water and River Aller catchments of my hon. Friend's constituency. It is also supporting the Hills to Levels partnership project, which is endorsed by the Somerset Rivers Authority, the Royal Bath and West of England Society and led by the south-west's farming and wildlife advisory group. That project is considering the potential for natural flood management measures to slow the flow in some of the tributary catchments of the Rivers Parrett and Tone and west Somerset rivers and will be delivered over the next four years.

New flood defences only form part of the picture for the management of flood risk and the flood action plan for the Somerset moors and levels and dredging has happened along the Rivers Parrett and Tone. In 2016, the Environment Agency dredged a further section of the River Parrett on behalf of the SRA. As a consequence, since 2015, 99 km or 60 miles of desilting was carried out in Somerset by the Environment Agency, jointly with the SRA and the all-important internal drainage board. Although dredging assists in providing some additional relief from high river flows, it is not a solution in its own right and will always be considered carefully with other elements.

I am pleased to see the hon. Member for Falkirk (John Mc Nally) here and am grateful for his interest with regards to work on protection. On the national flood resilience review, it is worth setting out on the record that we continue to follow up on the actions of that review—we were certainly better prepared over this winter to deal with the risks. We continue to invest in mobile flood defences and pumps. As has already been said, 1,200 troops have been on standby if councils need their help, and they were recently deployed in Lincolnshire and Norfolk.

With regard to Bridgwater and West Somerset, the Environment Agency has undertaken a robust assessment of the locations that are suitable for using temporary barriers. It assessed the practical implications such as road closures and flood risk benefit as well as ensuring that they do not make the flood worse. A temporary defence deployment plan is currently being prepared for Croscombe, which was hit by flooding recently.

A key part of the national flood resilience review was having infrastructure providers reviewing the resilience of their key assets. They identified and protected their assets with temporary defences this winter while longer-term solutions are implemented. We have also continued to work with the private sector to develop a new flood resilience action plan, which illustrates to homeowners and business owners some straightforward measures they can take to improve the resilience of their property to flooding, as well as enabling them to get back in far

more quickly if they are unfortunately flooded. Those can be simple measures, such as air-brick covers, or more substantial works, such as installing a pump, having solid floors or installing wiring so that plug sockets are higher up the wall.

My right hon. Friend the Member for East Devon (Sir Hugo Swire) referred to the situation in Whimple in his constituency. I understand that he met representatives from Network Rail and the Environment Agency last summer to discuss the issues. I am aware that the project currently under consideration is eligible for £600,000 of Government investment under the partnership funding policy. There is currently a shortfall, which will be required to be secured. I note that the regional flood and coastal committee has provisionally offered to help with a contribution of about a third of that amount from their local levy fund, and I am sure that he will continue to work with local partners to raise the additional funding required.

My right hon. Friend referred to a specific issue with the railway line and the discussions with Network Rail. I will ask the rail Minister to look into this matter with Network Rail. I have been advised that if the construction method chosen avoids the need for a track closure, the threat of the fines is no longer there. I recognise, however—as many of us who deal with Network Rail will do—the challenges of what we think of as common sense getting tied up in bureaucracy. I assure my right hon. Friend that I will refer the matter to the appropriate Minister, who I believe will be able to cut through some of the evident red tape.

This has been a very useful debate to consider the particular situation in the south-west and especially in this very special part of Somerset. I hope I have been able to show my hon. Friend the Member for Bridgwater and West Somerset that plans are under way to address flooding issues. I thank him for his praise of the Environment Agency. I recognise and agree that it is a different beast from what it was several years ago, when I first became an MP. A lot of that has to do with local leadership, which will now sadly be lacking due to Nick's unfortunate death, but it also stems from the leadership of Sir James Bevan and his team, including people such as John Curtin, in addressing the issue.

Sir Hugo Swire: The Minister has made my point for me. I was going to praise the new chief executive, the former high commissioner to Delhi in India, Sir James Bevan, who has brought a fresh attitude to the Environment Agency.

Dr Coffey: That is why the Government are standing behind the Environment Agency. Although the Select Committee on Environment, Food and Rural Affairs did not entirely welcome our response, I believe that when there is good leadership getting on with the job, disruptive change is unnecessary when we are trying to do our best to protect more homes and more residents, especially when my hon. Friend the Member for Bridgwater and West Somerset recites examples of where he feels that local action could be better than it is and impacts on his own constituency. I assure him that the Environment Agency will continue to work with him and hon. Members from all parties to reduce flood risk and to work collaboratively to help deliver projects in the area.

Question put and agreed to.

Armed Forces Recruitment: Under-18s

4.29 pm

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): I beg to move,

That this House has considered recruitment of under-18s into the armed forces.

It is a pleasure to serve under your chairmanship, Mr Pritchard. This is an emotive and controversial issue, and I recognise the strength of feeling on both sides of the debate. For that reason, I will preface our discussion by saying that I want this to be the beginning of a dialogue on which we can build consensus and uncover the rational facts that should underpin any good policy.

Fundamentally, I sought the debate because I am concerned about the welfare of young people who join the armed forces—in particular, the Army. I have a professional background of more than 20 years of working in the education of young people aged between 14 and 19. The last group I taught were taking level 2 public services at Coleg Menai, many of whom had their sights set on joining the Army. I wish them all the best in their chosen career.

Some of my colleagues appear to believe that any questioning of the armed forces or Ministry of Defence policy is somehow an attack on the institution as a whole, so I would like to emphasise that nothing could be further from the truth. It is not attacking the Army to express the desire that soldiers be treated well and fairly, and that their short and long-term welfare be considered priorities in the recruitment and training process. I do not believe it is a threat to national security to seek the highest standards of welfare and educational attainment for all young people in this country. As we can see all too clearly in the world today, it is essential for the healthy functioning of a true democracy that Government institutions and the policies they make are continually exposed to scrutiny and challenge.

The purpose of the debate is to seek answers from the MOD regarding numerous concerns about the recruitment of young people under the age of 18 to the armed forces and to press for a thorough and independent review. Dozens of religious, military, legal and policy organisations, alongside unions and trusted military professionals, have expressed concerns about this policy. They include the Select Committee on Defence, the Joint Committee on Human Rights, the United Nations Committee on the Rights of the Child, the Children's Commissioners for all four nations of the UK, the Equality and Human Rights Commission, UNICEF and many more. They seek to ensure the same fundamental standards of welfare and protection that are taken for granted for that age group in any other sphere of life, but the MOD has not yet provided a detailed response to assuage those concerns.

We have heard from the MOD many general assertions about the wider benefits to the individual and society as a whole of early enlistment, anecdotes about individual recruits who have achieved remarkable things, and apocryphal stories about the lad who would have been dead or in prison if he had not joined the Army at 16. We have also heard from many senior Members of the House about their own happy experience of military service—sometimes decades ago, sometimes more recently. Although I respect the insights drawn from the personal experience of many Members, possibly including some

in this Chamber, the plural of anecdote is not facts. I and many others want to hear from the MOD hard, objective, empirical evidence and analysis that demonstrates a carefully thought through policy, taking into account both the recruitment requirement of the armed forces and the welfare of those who enlist.

The UK is unique in the developed world in enlisting 16-year-olds into its armed forces. That is not standard practice, it is not a necessity, and it is not a policy shared by our military allies and peers. It does not make me proud to say that our colleagues in this matter are North Korea and Iran.

George Kerevan (East Lothian) (SNP): Am I correct in saying that the UK is the only NATO member that recruits at the age of 16?

Liz Saville Roberts: It is my understanding that we are indeed the only NATO member and the only standing member of the UN Security Council to do so.

This is a well-rehearsed argument—forgive me—but it is worth reminding the House that 16-year-olds cannot buy a kitchen knife in a shop, although they can be taught to kill with a bayonet. They can enlist and train in the Army, but the law states that they cannot play “Call of Duty” on an Xbox or watch the Channel 5 documentary series “Raw Recruits: Squaddies at 16”. To watch it online, they would have to tick a box to confirm they were over 18. If it were not so serious, it would be laughable.

Our respect for the armed forces as an institution and for the individuals who represent it makes it easy to treat the institution as beyond question, but I propose strongly that that is dangerous and wrong. There has been no thorough review of the enlistment of minors since at least the time of Deepcut, and I hope today that we can restart that conversation to ensure the welfare of our soldiers and young people across the country.

On the matter of education, I am sure we agree that the educational opportunities that we afford our young people must aim to achieve a common baseline, no matter what their background. The armed forces are, however, exempt from the Department for Education's standard minimum target for all 16 to 18-year-olds of GCSEs in English and maths at grade C or above. I hope the Minister will be able to explain why our young recruits are not provided with those qualifications, which are deemed essential by all educational employment experts.

The MOD claims that the qualifications it offers—functional skills for numeracy and literacy—are equivalent to GCSEs, but they have been labelled as suffering from major and fundamental flaws by the Department for Education's own expert review of vocational education, the Professor Wolf report. That finding holds true for all young people, including those who are not academically inclined in any traditional sense and are pursuing vocational, rather than academic, education. I am sure my colleagues agree that young soldiers deserve, as a very minimum, the same educational opportunities as their civilian friends, and certainly nothing less.

The MOD frequently refers to the apprenticeships that young recruits undertake, but closer examination of the curriculum and the content of those courses reveals that, although those apprenticeships may be

excellent training for a military career, they are of little value for future civilian employment. Let us bear it in mind that soldiers may be with the infantry until their early 30s, but those young people will need to find work until they are 67, so they need those skills for their long-term welfare.

Those courses consist of modules such as “Tactical advance across battlefield” and “Use of light weaponry”. Young veterans have repeatedly stated that those qualifications were effectively useless in finding employment after they were discharged. That has been borne out repeatedly by Royal British Legion studies on unemployment among ex-service personnel, which show that young veterans are significantly more likely to be unemployed than their civilian peers, and that the lack of qualifications and skills that are transferrable to civilian life is a major factor in that. I hope the Minister will explain how young veterans, the majority of whom are trained for combat roles, not technical ones, can use those highly specialised military skills in future civilian employment.

The MOD has frequently asserted that the Army provides a constructive alternative to young people who otherwise would not be in employment, education or training, or worse. That is an appealing argument, and it would be quite persuasive if there were robust data to support it, but researchers working on my behalf have found none. I regret to say that MOD data indicate quite the opposite.

Tommy Sheppard (Edinburgh East) (SNP): Does the hon. Lady agree that one of the problems appears to be that if the Army recruits at 16, it does not have access to the complete pool of 16-year-olds? In fact, there is now a presumption in public policy that education and training should continue beyond 16 to 18. Therefore, the only people available for recruitment at 16 are, to put it mildly, the ones the system has left behind. That gives rise to statistics such as the fact that three quarters of 16-year-old recruits have a reading age of 11 or less. Does that concern her?

Liz Saville Roberts: It does concern me. I would like to emphasise the long-term welfare of those young men and women, who need to be equipped to leave the armed forces. If they are serving their country, it is our duty to equip them as well as we can with the skills they will need in future life. They may well be working until they are 67, so literacy and numeracy skills are particularly important to that cohort, which I have taught.

More than a third of under-18 recruits drop out of initial training, and 40% of infantry soldiers who enlisted under the age of 18 are discharged within four years as early service leavers. Having left education early to enlist and without having achieved GCSEs in the Army, those young ex-service personnel will be significantly less qualified than their civilian peers and at increased risk of long-term unemployment and social exclusion.

Such findings are again borne out not by anecdotes, but by British Legion studies. According to a major 2012 study of education in the Army by the Department for Business, Innovation and Skills, recruits who enlisted at a young age and who had previously been excluded from school were more likely to drop out of the Army than those with a more positive academic record. The same BIS study showed that 48% of recruits

who trained at Army Foundation College Harrogate, the junior entry training site, had left the Army within four years.

Without doubt, individual positive anecdotes exist and will always inspire, but there is scant evidence that, as a rule, the Army can turn around young people who have not engaged well at school. Will the Minister provide any data to support the hypothesis that enlisting disadvantaged adolescents in the Army is an effective way to secure their long-term engagement in education and employment? Will he provide any analysis of how cost-effective that strategy is in comparison with, for example, greater investment in specialised education and social-support services for at-risk young people? We have other institutions such as further education colleges and other training centres to help those young people, who may as well be in the cadets at the same time as receiving a decent education to equip them for future life.

On combat roles and the channelling of the youngest recruits into the most dangerous roles, I intended to discuss the MOD policy to seek under-18s “particularly for the infantry”, which has the highest fatality and injury rate of any major branch of the Army. In the interests of time, however, I simply ask the Minister to explain on what basis his Department decided to restrict the choice of roles for the youngest recruits to frontline combat roles only, rather than giving them the opportunity to enlist in the full range of technical roles.

Following a damning report in October last year by medical charity Medact, I want also to touch briefly on the long-term health impacts on young people recruited under the age of 18. The report revealed such recruits to be more vulnerable to post-traumatic stress disorder, alcohol abuse, self-harm and suicide. There is a 64% increased risk of suicide among men under the age of 20 in the Army as compared with the wider population.

Many in the House and in the country are deeply proud of the armed forces and supportive of the institution as a whole. We would be failing in our duties, however, were we not to hold up their policies to scrutiny. The overwhelming majority of nations worldwide enlist from the age of 18 or above. Welbeck College in Loughborough provides an outstanding residential sixth-form college that, without the burden of formal enlistment before 18, educates young people intending to pursue a military career, with evident advantages to the students and to the institution.

I hope that the debate will open the door to a fruitful, frank and detailed discussion of how improvements can be made to policy. It is not in the interests of young people or of the Army to continue assuming that the status quo is the best possible model without a thorough examination of the evidence and consideration of alternatives.

Only 52% of the population voted to leave the European Union, but today Parliament is acting on it. In 2014, according to a nationwide Ipsos MORI poll, 77% of respondents who expressed a view supported raising the minimum enlistment age to 18 or above. Will the Minister respect the wishes of the population and the recommendations of child rights, health and education experts, and commit to a thorough independent review of policy?

4.43 pm

Mrs Anne-Marie Trevelyan (Berwick-upon-Tweed) (Con): I thank the hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts) for bringing this important debate to the House. The Minister is probably having a moment of fear that, because I am standing up to speak on military matters, I might not be entirely in support of Government policy, but he could be no further from the truth. I am an advocate of the armed forces covenant as a real and engaged process throughout our nation.

Recruitment to and training of our young people in the armed forces from the age of 16 can be a hugely positive experience, as the hon. Lady mentioned, and we do it very well and in a variety of ways. In my constituency, the Military Academy at the Kirkley Hall campus of Northumberland College was set up precisely for those young people whom the hon. Lady was thinking of. They not only were in vulnerable family environments and have not been able to make best use of their previous schooling environments, but were not even capable of living the sort of disciplined and ordinary life that joining the Army might provide. The Military Academy has, however, created a framework in which those young people who wish to participate in society and have an interest in the armed forces can develop those basic skills of discipline, leadership, teamwork, communications and personal self-motivation to understand what decisive thinking and such skills can mean for building them up as individuals.

Liz Saville Roberts: Does the hon. Lady not share my concern that basic literacy and numeracy skills are what we need to equip young people with for their lives as adults? Functional skills as a curriculum method does not appear to be sufficient. It was described by Professor Wolf as “fundamentally flawed”.

Mrs Trevelyan: The reality is that school has failed for some young people, and their literacy and numeracy skills are not where we would like them to be—they have not been able to benefit from such a development.

For example, one of my caseworkers spent 25 years in the Army and is now running my association office in Berwick. He left school at 15 functionally illiterate. He was severely dyslexic and throughout his school career he had been told that he was thick, useless and pretty much not good for anything. He joined the Army and within one week it was clear that he was none of those things, but simply dyslexic. That was some time ago, so I hope we are even better now with young people coming into the Army—perhaps the Minister will confirm that.

That new recruit was given intensive tuition to assist his literacy, which improved dramatically, as so often with dyslexic children who need a different way of learning, and he had a fulfilling career in the Army. He represents one of those anecdotes to which the hon. Member for Dwyfor Meirionnydd referred. We need to understand that those young people who choose to join the Army early in their lives, after leaving school where they have often had a poor experience, want to be doing something positive. The framework offered by the armed forces provides that opportunity.

The Medact report to which the hon. Lady referred is clear that 16-year-olds are not exactly being press ganged into our armed forces. After they have spent six weeks

on the initial training course, young people may step off. After up to six months, they may again step off, if they feel that that career option is not right for them. Also, up to their 18th birthday, they may step off with three months’ notice. That is pretty similar to an employment framework that one might find after taking a job in a supermarket or on the factory floor. The implication that young people are somehow sucked into the armed forces against their will and cannot develop is wholly unfair to the armed forces and the incredible work of the training programme.

Liz Saville Roberts: I am a little surprised that the hon. Lady has not referred to parental consent, which is necessary under the age of 18. Does she share my concern that once parental consent has been given, parents have no right to revoke it?

Mrs Trevelyan: I am sure the Minister will be able to confirm such details, but a 16-year-old who chooses to leave school and go into employment and training elsewhere is still in charge of their own destiny. I am the mother of an about-to-be-16-year-old and an 18-year-old, and if they choose to step into the workplace, that would be their commitment to take on the responsibilities of adult life. Having supported them to make whatever their choice was, I would be very comfortable with them continuing with their choice. That is what growing up and taking adult decisions is all about.

Those under 18 cannot go out and serve in frontline roles, as was mentioned earlier, but they can participate in what we call national resilience activities. Over the past few years when we have had flooding problems in the north-east, on a number of occasions I have met some really energised and enthusiastic young men and women helping out with the flood defence crises, both in Morpeth in my patch and over in Cumbria. That highlights the many good qualities that joining the armed forces can give to young people—that sense of belonging and of learning to work in a team, which they so often have not had in their own lives.

The report highlights the statistical imbalance in post-traumatic stress disorder and other mental health problems for those who have joined young and come out the other side, but that is a chicken-and-egg argument.

Tommy Sheppard: The hon. Lady makes quite a compelling case about the benefits of early recruitment for 16 and 17-year-olds themselves, some of whom, as I said, may well have been let down by the system elsewhere. I do not choose to dispute any of her examples of those benefits, but I worry about whether that is the Army’s proper role or, in fact, a distraction from providing a good and efficient security service. If the Army waited until those individuals were 18 and other agencies had had the opportunity to try to improve their lot, it might recruit much better and more able people.

Mrs Trevelyan: The hon. Gentleman suggests that because some people might join at 16, others would not join at 18. One does not negate the other. The Army in particular offers young men and women who do not want to be in the education system any more because they found that it failed them—perhaps because they had poor teachers or they have dyslexia, or perhaps due to other issues—a framework within which they can really develop and thrive. I absolutely agree with the hon. Member for Dwyfor Meirionnydd that we need to

ensure the welfare of those young people and that the covenant supports them as they develop skills in what can be a demanding and stretching environment, but that is part of the challenge, and so many of them really take that up.

I turn to the mental health issues of people who come out of the Army, who so often joined up early. There is a lot of work going on in that field, which I am involved with. Those young people would probably have been unable to find secure long-term employment had they fallen out of school and become NEET; they would have struggled through the system. They had the opportunity to take up an extraordinary career. I have the most enormous respect for anyone who joins the armed forces. It is a choice. To defend our nation and be part of a team of people who will put themselves in harm's way to protect us and our families is an extraordinary thing to do. We must always bear that in mind.

I was interested in the report by Medact, which promotes disarmament and the abolition of nuclear weapons more broadly. I know quite a lot about that—my father was the leading journalist and specialist in the area in the 1960s, so it is a subject that I grew up with—but we cannot just wipe everything away and say, “Let’s no longer have armed forces. We want the world to be a happy and peaceful place.” I can think of nothing I would like more, but the reality is that we need robust and resilient armed forces, and we have some of the best in the world. Those young men and women, who join earlier than people who go to university and therefore come out of education at higher levels, do so because that brings them the opportunity to be part of a team that they can be proud of, and we can be proud of them.

4.52 pm

Jim Shannon (Strangford) (DUP): It is a pleasure to speak in this debate. I congratulate—this will be my first expedition into Welsh—the hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts), who put forward a good case. I spoke to her before the debate, and she knows where I am coming from; my opinion is similar to that of the hon. Member for Berwick-upon-Tweed (Mrs Trevelyan). Although the hon. Member for Dwyfor Meirionnydd clearly set the scene for the issues that she wishes the Minister to respond to, I will give a slightly different opinion about where we are. However, I concur with her request for an uplift in education. I have absolutely no doubt that the Minister, who has a special interest in the issue, will respond with positive steps for the way forward.

I joined the Ulster Defence Regiment at 18 and served in it for three years. I then joined the Royal Artillery in the Territorial Army, which I served in for 11 and a half years. I believe that that helped to shape and mould me as a man. Whether that is to everyone's liking only the people can answer, but they elected me twice, so I suspect that they like what they see.

The Minister for the Armed Forces (Mike Penning): I apologise for interrupting the hon. Gentleman, but I think it should be clarified for others in the room that people could not join the Ulster Defence Regiment before the age of 18, because it was always on operations. We should perhaps pay tribute to it for that.

Jim Shannon: I thank the Minister, who is knowledgeable about this subject.

I am the Democratic Unionist party's representative at Westminster for the Cadet Force. I am proud to hail from Strangford, which has a proud and strong record of military service, including in the Special Air Service—Blair “Paddy” Mayne was born and bred in the constituency's main town, Newtownards. With that in mind, hon. Members may be able to see where my comments are leading. Joining the armed forces is a vocation, not simply a career. A career does not demand of people what is expected of our soldiers, sailors and Air Force personnel; a vocation does. That calling is felt from a young age. I will give three examples of people who joined at an early age and excelled greatly in their choice of service.

A young lady from my area went to the Army-run youth camp at the age of 15 and on her return decided to join the Army, which she did at 16. She trained up and has completed three tours, some of them in conflict areas. She is now a sergeant. She met and married her husband, who is also a sergeant and lives here on the mainland serving Queen and country. Michelle's family are so proud of her, as indeed we all are. She was equipped for her life as it is now by the life that she had in the Army at an early age. I know her, so I say that in all honesty.

A young lad from my area was the youngest person ever to be wounded in action on duty in Afghanistan. He was only 18 on his first tour, and he had joined the cadets as a young boy. I had the privilege of meeting him again at the remembrance service just across the road at Westminster Abbey in November last year. He had recuperated quickly from his injury and was raring to get back into uniform. He is no longer a boy; he is now a young man, and he is maturing greatly. I laid the wreath on behalf of the DUP, and it was an honour to see that lovely young fella, who was made in the British Army. The Army has moulded him well, and his family life has been exemplary, too.

The list is endless, but we must also note young Channing Day, who gave her life for Queen and country in the Medical Corps, as the Minister and other Members who were in the House back in 2010 will know. Those of us who know that family know that she always wanted to be in the Army. She was a cadet from a very early age, joined the Medical Corps and served her Queen and country. Her family and her town of Comber were inspired by her.

Although those young adults are indeed young, they have a passion and should be allowed to follow that passion. Let me make it quite clear, by the way, that I understand that the hon. Member for Dwyfor Meirionnydd does not say that they should not. She says that their qualifications and education standards must be lifted, and I am sure that the Minister will respond to that point. I remind Members that there is protection to ensure that young people cannot be sent on tours until they turn 18. To me, that means they have an additional two years' training to ensure that they are safe and secure in what they do and how they do it.

The major issue is the length of the contract that young people sign, which can last until they turn 22. If they join at 16, that is six years, which is a major commitment. That is a massive concern for people who are so young, but I remind the House that for under-18s

[*Jim Shannon*]

in the Army and everyone in the Navy and Air Force, the discharge as of right period is between 28 days and six months of service. After those six months are over, an unhappy junior in the armed forces may be discharged at the discretion of their commanding officer. There are several stages at which someone can get out if they so wish. I believe that that discretion is applied as needed, and I understand that the Army in particular tightly controls, monitors and regulates it. If there are issues to address, those must be addressed.

Some 2,180 under-18s were serving in the armed forces in October last year, of whom 170 were female and the other 2,010 were male. Those are people who made the choice to join at a young age, and I believe that that should be encouraged and allowed. The MOD also has apprenticeships, which the Minister no doubt will deal with, too. Those enable young people who join the services at an early age to achieve good educational standards, which is important, and then go beyond uniform into civilian life, as many do. We all know of those who have come through the cadets, gone into the Army at an early stage, served in uniform for a great many years and are now retired.

I understand the argument that no other UN member allows under-18s to join the armed forces, but we lead the way and should not be ashamed of that. We lead the way on many fronts, and there is a reason our armed forces are the best in the world. The US army, which is perhaps the second greatest army in the world after ours, allows recruitment at 17 with parental consent; we are not alone in allowing under-18s to join. And this is not child labour; it is training.

The ability to leave should be protected, but the young people whom I know personally in my constituency are glad that they had the option to join. Other young people should be allowed to make a career and serve Queen and country. I understand fully what the hon. Member for Dwyfor Meirionnydd is putting forward, but I think it is important that we recognise the benefits to those who join at an early age and what they can do. I have mentioned just three of them—there are many more—and they have been exemplary. They have done well, and the Army has helped to build them as people.

Several hon. Members *rose*—

Mark Pritchard (in the Chair): Order. Let me provide guidance for Members. We have two speakers left, and I want the winding-up speeches to start at about seven or eight minutes past 5, so it is up to Scottish National party colleagues to share the remaining minutes if they wish to do so.

5 pm

Steven Paterson (Stirling) (SNP): I am grateful for the chance to speak and to serve under your chairmanship, Mr Pritchard. The SNP's position is that we recognise persons who have reached the age of 16 as old enough to leave school, marry, work and pay tax, and, despite scepticism from the other parties in Scotland before the independence referendum, we believe and have long believed that they have the right to vote as well. I am glad to say that we have won over the doubters on that particular campaign and I look forward to that example being followed down here.

Fundamentally, the SNP position on this issue reflects our ambition to empower young people—to trust them with responsibility in these areas and trust that they will take that responsibility seriously. It also reflects the legal position in Scotland under the Age of Legal Capacity (Scotland) Act 1991, which determines that a person has full legal capacity from the age of 16. For those reasons, my party backs the current position on recruitment age for the armed forces for those who are 16 or 17 and choose to serve their country.

The minimum age at which an individual can enlist is set down in the Armed Forces (Enlistment) Regulations 2009. In summary, the current MOD policy is that service personnel under 18 are not deployed on operations outside the UK, except where the operation does not involve personnel becoming engaged in or exposed to hostilities. Humanitarian operations, for example, might qualify. In addition, in line with current UN policy, service personnel under 18 are not deployed on UN peacekeeping operations. As has been mentioned, age restrictions also apply when it comes to Northern Ireland.

It is important that there is recognition that a special duty of care is owed to under-18s who choose to serve in the armed forces—not because they are not old enough to make that decision and take that action, but because inevitably they have less experience in the world of work and in life.

Mike Penning: I do not want the hon. Gentleman to mislead the House unintentionally and I may have misled him. The only unit in Northern Ireland that could not do what we are discussing—it has been disbanded now—was the Ulster Defence Regiment, because it was permanently on operations. There are recruits of 16 and over from Northern Ireland serving in the armed forces today.

Steven Paterson: I am grateful for that clarification—I am skipping through my speech rather quickly, because I do not have the time that I thought I would have.

As I was saying, we have a special duty of care to these young people because of their lack of experience of work and of life in general. Whenever that has been discussed in Parliament before, Ministers have been very clear that they accept that and that safeguards are in place.

I can attest to the excellence of the practice that I witnessed in this area when I visited RAF Halton last year. I was able to meet young recruits, hear about their experiences in initial recruit training and see them being put through their paces by the officers. The recruits were developing a range of practical and problem-solving skills that were no doubt essential for the career in the Royal Air Force that they hoped to pursue, but also transferable skills that could assist employers in other sectors in the future. My visit to RAF Halton and particularly the conversations with those recruits were a very positive experience. I am assured that the welfare of our youngest recruits is taken very seriously.

A number of safeguards are built into the recruitment process for 16 and 17-year-olds. First, parents and guardians are positively encouraged—in fact, required—to be part of that process, and their consent is sought. Once accepted into service, under-18s have the right of automatic discharge at any time until their 18th birthday. It is not in the interests of either the armed forces or the

individuals themselves for people to be there if they do not want to be. I welcome the provisions allowing for early discharge if that is appropriate.

MOD policy is not to deploy personnel under 18 on operations. That is absolutely correct. Service personnel under 18 are not deployed on any operation outside the UK, except where the operation does not involve their becoming engaged in or exposed to hostilities. However, there is a recommendation, I think, that has not been actioned since the 2005 report of the Defence Committee, on armed guard duty. Perhaps that is something we could look at again. My understanding is that that is still allowable.

Finally, I will offer a few thoughts on the Medact report “The Recruitment of Children by the UK Armed Forces: a critique from health professionals”. For the reasons that I have outlined I do not agree with the use of the word “children”. We have taken a decision as a country—certainly in Scotland and, I think, down here too—that 16 is the age at which we consider young people to have moved from adolescence to adulthood. If that is the case, I would argue that it should apply across the board. We choose to draw that arbitrary line at 16. However, it is entirely right that we should ensure that there are safeguards for those for whom the armed forces are not the right choice, or who may not be ready at 16 or 17, and that those safeguards should be taken seriously by commanding officers. That was my experience from visiting the RAF base.

I am open, however, to considering whether more can be done to improve the duty of care for under-18s—I have already mentioned guard duty. I am also open to any review that looks at educational attainment, as has been alluded to. Where we can demonstrate that better outcomes could be achieved, we must build on what there is, and make sure that those outcomes are realised. I would also welcome further consideration of the messages that the Ministry of Defence uses in recruitment drives, so that in addition to the many positive opportunities offered by the armed forces, the reality of the danger that serving can entail is clear and understood. It is because of the danger that members of the armed forces put themselves into on our behalf that we owe them the respect and gratitude that they have from us.

Mark Pritchard (in the Chair): Order. Ronnie Cowan has 30 seconds. I will then call the Front-Bench speakers, which allows five minutes for the Scottish National party, five minutes for the Labour party, and 10 minutes for the Government.

5.7 pm

Ronnie Cowan (Inverclyde) (SNP): Thirty seconds?

Mark Pritchard (in the Chair): Order. Please resume your seat. I advised the hon. Gentleman’s colleague that if he wanted to split the remaining minutes he could; clearly he had a different view. There are now 10 seconds remaining.

Ronnie Cowan: Let us be clear: the SNP supports 16 and 17-year-olds getting a vote and my view is quite simple. Sixteen and 17-year-olds—

Mark Pritchard (in the Chair): Order.

Tommy Sheppard: That is farcical.

Mark Pritchard (in the Chair): Order. Mr Sheppard, I do not expect any backchat from you. You intervened twice in the debate; you have had your say. I said to the hon. Gentlemen that they could split the time between them. Mr Paterson chose to give a longer speech than perhaps Mr Cowan would have liked, but that was his decision and their decision. Do not question the Chair, or you might not catch my eye next time. The SNP have had their say.

5.7 pm

Kirsten Oswald (East Renfrewshire) (SNP): It is a pleasure to be here to discuss this important topic under your chairmanship, Mr Pritchard. I must thank the hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts) for bringing the matter to the House. We have a great deal in common in many of our positions—and that is largely so in the present case, although perhaps not entirely.

I was struck by the focus on the duty of care that came through in all the speeches today. I think that all hon. Members, whether they spoke or not, will have reflected on that particularly. We might want also to reflect on the points made by my hon. Friend the Member for Stirling (Steven Paterson) about how serious the decision to join the armed forces is for anyone. I agree with the hon. Member for Dwyfor Meirionnydd about the need for transparency, facts and education, which the hon. Member for Berwick-upon-Tweed (Mrs Trevelyan) also touched on.

It is important that we should fully consider how countries around the world recruit, in considering that issue. Of course there are different approaches and age thresholds. Some countries conscript and some do not. I am glad that we do not. From my alphabetical list I think that the situation is somewhat more complex than we have heard; that is just from looking at Australia, Austria, Canada, Croatia and Cyprus at the beginning of the list. However, it is a mistake to focus too narrowly on that. As we have heard from my hon. Friend the Member for Stirling, at 16 people can vote, in Scotland; they can marry and pay tax, and make their own choices.

Ronnie Cowan: Will my hon. Friend give way?

Kirsten Oswald: I am going to run through this, if I may.

It is particularly important for those under the age of 18 who choose to pursue a military career that we understand the impact on them. We have heard about the impact on young people from challenging backgrounds; that is important, and in considering it we should examine the entirety of those backgrounds. Young people should have the opportunity to choose as widely as possible as they move forward in their lives. For some people, joining the armed forces may be a positive choice. However, of course it is not the same as other jobs. It is therefore vital that full information is provided, that full discussions are had and that those are open, honest and transparent. For instance, it is vital that every opportunity is given for a recruit to change their mind and leave the forces. I know there have been many positive changes in recent years to allow people to leave

[Kirsten Oswald]

more easily, particularly at that young age, which is hugely important. I would like to hear more from the Minister on that.

I would also like to hear from the Minister on what new measures he would propose to achieve greater post-service employment for young early-service leavers. The figures are not positive there, as I am sure he knows. I would also like to hear more from him on training, transferable skills and qualifications, because a recruit in the armed forces under 18 is essentially training, and it is important that we see that from that perspective.

As well as developing those skills, it is important to be clear on what under-18s must not be doing. They must not be deployed, and it is our position that there must not be any flexibility or room for manoeuvre on that. There cannot be any of the margin of error issues of the past; that would be quite unacceptable.

May we focus on welfare, which is the key issue I have heard today? That must be a key focus, because physical and mental health and pastoral care-wise that could not be more important. I would be interested to hear more from the Minister on the review that my hon. Friend the Member for Dwyfor Meirionnydd referred to. What are its parameters, what is its aim and when will it report? In the interests of transparency and aspiring to make the best progress for young recruits, full detail on that would be welcome.

We support the continued ability for 16 and 17-year-olds to make this choice if that is an informed, positive and open choice. However, it must be based on transparency. There must be a culture of improvement, training and aspiration and an openness to ongoing discussion about how we do the best we can for all our young people.

Mark Pritchard (in the Chair): I call the shadow Minister. You have five minutes.

5.12 pm

Wayne David (Caerphilly) (Lab): I thank the hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts) for initiating this important debate. I have always had a positive attitude towards the recruitment of young people—16 and 17-year-olds—to the armed forces, and the Army in particular. I come from and represent a valleys community in south Wales, and I recognise only too well that many young people are drawn to the armed forces. By and large, they have a positive experience, which sets them up well for a future life in civvy street. However, as the hon. Lady rightly said, various concerns have been raised by a raft of organisations for some time—including recently—and it is only correct that we have a proper debate and dialogue about the appropriateness of such recruitment as we have in this country. I therefore look forward to the Minister's response to the many points that have been raised.

It is a fact that the British armed forces recruit about 2,000 16 and 17-year olds each year, and 80% of them are recruited by the Army. I suggest it is significant that fewer than 20 countries throughout the world allow direct recruitment of 16 and 17-year-olds. The United Kingdom is the only member of the United Nations Security Council that does that, the only member of NATO that does that and the only member of the

European Union that has such recruitment. It has been said that although the Ministry of Defence says that it wants 16 and 17-year-olds, particularly for the infantry, and although minors are no longer routinely deployed to war zones, over their military career they make a disproportionate contribution to frontline combat roles.

It is often said that recruits come from disadvantaged backgrounds, but it is not as straightforward as that. In fact, enlisting at 16 leads to a higher risk of unemployment because of the large drop-out rate among 16 and 17-year-olds. That is a fact. I also want to express concern about the relatively weak safeguards around parental consent. Yes, it is correct to say that recruits need the consent of their adults. However, I suggest that for such a big commitment as joining the armed forces at 16 or 17 there should be an obligation for a face-to-face meeting between the armed forces concerned and the parent whose consent has to be obtained. It is important to have that ongoing dialogue so that the parents, as well as the young person, are fully aware of what is being signed up to.

At a time of austerity, let it be said, this is also a very expensive way to recruit to the armed forces given the relatively high drop-out rate. This country is not that different from many other countries. I suggest that we have the same demographics as many other countries and the same factors apply to like-minded countries and the United Kingdom in terms of the pressures.

I also want to make this broader point. This Government, like all Governments in recent times, have a proud record of being steadfastly opposed to the deployment of child soldiers. That is a reprehensible practice that takes place in some countries, and this country has always been adamant and forthright in its condemnation of it. It has been suggested that the argument we put forward is weakened to some extent because we rely so heavily on 16 and 17-year-olds ourselves. Although I do not consider them to be children, they are nevertheless not fully fledged, mature adults. That is something we ought to be careful of.

My final point is that the Defence Committee prepared a very thorough report in 2005 that made a number of recommendations to the Ministry of Defence. Several of those recommendations have been acted upon, but others have not. I would like to know from the Minister precisely what the Government intend to do next to ensure that they fulfil their rhetorical commitment to improvement.

Mark Pritchard (in the Chair): I call the Minister of State, who will close at 5.27 pm, which will allow the mover of the motion two minutes.

5.17 pm

The Minister for the Armed Forces (Mike Penning): As usual, it is a pleasure to serve under your chairmanship, Mr Pritchard. I know what it feels like to get stuck within the time—we have all been there—and why the hon. Member for Inverclyde (Ronnie Cowan) probably does not feel great. We are where we are, but we have all done that.

It is a pleasure to discuss this for many reasons, as I will explain, and to see the—near enough—wide support for the young servicemen and women. I understand the concerns, particularly following Deepcut, for those of us who are interested in the armed forces, as I have been

for many years. Lessons had to be learned from the terrible situation out in Deepcut, but we must not in any way look at Deepcut as what is happening in 2017.

I absolutely agree with the hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts) about facts, but we cannot get away from some anecdotes, and I will use some anecdotes and some facts. As the hon. Member for Strangford (Jim Shannon) said, someone can serve in the American armed forces at 17; at 17 and a day they can serve with their parents' consent. It is not true to say that there are no young servicemen in other NATO countries—they are there.

It is also very important to look at some of the figures as to why the armed forces invest so much time and money in recruiting young adults. Probably one of the most obvious ones, which goes completely against some of the evidence given by the hon. Lady, is that of those who were under 18 on enlistment between 2007 and 2013, 60% made warrant officer level 1—senior NCO. That is 60% of those who came through. It is also not true to say that the majority, in percentage terms, are from the infantry, or even from the Army, because the numbers are different. We have to look at this in context. As of October '16 there were 32,500 personnel in the Navy and 8% of them were former junior servicemen. In the Royal Air Force on the same date, there were 33,270 and 5%. In the Army it was 8.7%, because the Army is much larger and thus the proportion is different.

Let us have a bit of anecdote. In 1974, a young man of 16 had been told by his headmaster three or four years earlier that he was too dim to take his 11-plus. He struggled enormously at school and came from a socially and economically deprived area of London. His father and grandfather had served in the armed forces—most of my generation's grandparents had served in the second world war—and he applied to go into the Army. He struggled educationally when he went for assessment at Sutton Coldfield, but got into the Army and went as a boy soldier to Pirbright.

At the time, there were junior leaders and apprentices, and junior guardsmen, as there were junior infantry in other units. At no time did that junior soldier do armed guard. At no time did he do anything different in military terms from when he was in the cadets. He went on the ranges and thoroughly enjoyed it and went on exercises and thoroughly enjoyed them. At 16, that young person who had been written off by society did the dispatch rider's course and got a full motorbike licence. In civvy street, the age for a motorbike licence was 17, but at 17 he got a full car licence and was sent on a medic course—not just a first-aid course, but as a battlefield runner. He was still not available for operations, but was gathering skills.

Liz Saville Roberts: Will the Minister give way?

Mike Penning: The hon. Lady interrupted many times and she can sum up at the end of the debate.

The young man was gaining life skills. He was not a great soldier and did not make huge rank, but he fell in love and left the Army after four years, which was the term for adult service, not boy's service. At 18, he had to sign to stay in. His parents signed for him to go in early, and at 18 he went before his Adjutant, who gave him the option to leave the Army or to sign up for three, six or nine years. After four years, he fell in love and bought

himself out of the military—people can opt to leave now—but did not settle and went back into the Royal Army Medical Corps. He went on several other courses, which subsequently helped him to get into the fire service when he left the armed forces. That person went on to be the MinAF—the Minister for the Armed Forces; the person standing here now.

The Army gave me a home, a trade, aspiration and a chance to get on in life after being written off. I have been on several journeys in my career, not least as a journalist here, and in the fire service. What was interesting was my welfare. Why did I struggle when I was in the armed forces? Like my hon. Friend the Member for Berwick-upon-Tweed (Mrs Trevelyan), I am dyslexic and it is not something I hide. When I was at the Department for Work and Pensions, I outed myself as dyslexic, but at no time when I was at school did anyone pick that up and say, "We know why you have problems; you have learning difficulties." Within weeks of me joining a boy soldier, a Royal Army Education Corps officer picked it up, got me on the relevant courses and helped me to become a journalist here, a politician and the first MinAF from the ranks, which I am enormously proud of. The earlier we can train people with apprenticeships and the skills we need throughout our armed forces, the better, without a shadow of doubt. We can utilise that time for that person to feel fulfilled, aspirational and to get the skills—

Liz Saville Roberts *rose*—

Mike Penning: No, I will not give way. The hon. Lady will have three minutes at the end and she has intervened quite a lot.

No one gets things perfectly right and there have been mistakes, but I believe passionately that it is wrong to say to a young person of 16 that they cannot go into the armed forces because they will become a trained killer. Tell that to the medics who are training as I was. I am proudly wearing a 23 Parachute Field Ambulance tie, which was presented to me by the regiment only a couple of days ago. Medics are there to save lives and their training is worth while. We are also desperately short of qualified Marine and RAF engineers. We need people with those skills, and the sooner we start to train them, the better. Of course, as I said earlier, if they want to leave at the age of 18, they can. As for the leaving rate, the figure of four years has always been there—it was about four years when I was in the armed forces many years ago, and it still is today.

I went to RAF Halton only the other day. It is the shortest journey that I have done as a Minister, because it is right on the edge of my constituency. What a fantastic facility for training young people, building them up and showing them what they can do! A lot of those young people will go on to be cooks, chefs, medics or firemen. They are not being trained as killers; they are being told, "We value you in our armed forces and we are giving you skills that can be used when you leave."

I am absolutely passionate about ensuring that we never have another Deepcut or anything like it ever again, but as the hon. Lady said, we must use facts. I am afraid that, on some of the so-called facts that she gave earlier on, I will have to write to her specifically about the points she raised.

[*Mike Penning*]

We continue to review how we do this. Ofsted inspects all the premises, which is important. We make sure that welfare support is there for those young people at a vulnerable age. For instance, I admit that when I was a young 16-year-old soldier, I went to see the lady from the Women's Royal Voluntary Service regularly, because I wanted the comfort of talking to a mature lady who was not my sergeant, my warrant officer or one of the other officers. Those services are still there—I was at Pirbright the other day, and the facilities are there. Nor must we forget the work that the padres do, particularly at a junior level, because no matter what faith someone belongs to or whether they have no faith at all, having that comforting facility is crucial.

I am passionate that we need, and should have, a junior entry. These are young adults whose aspirations and life skills we can build so that they can actually get on in life slightly, as I myself have done—rather than writing them off, as some people seem to want to.

5.27 pm

Liz Saville Roberts: I appreciate the hon. Members who have contributed today. There has been a general agreement that a duty of care is owed to our young recruits and that welfare and educational attainment is important to us all.

I am disappointed by the Minister's response. I expected more of an answer to the specific questions I asked, although I welcome his offer to write to me. Although I

was interested in his personal history, I have to bear in mind that as Minister he is also the person who is chiefly responsible for the welfare of young recruits.

I will end with the words of an early-day motion from 2005:

“That this House notes that those currently entering the army at the age of 16 years are committed for four years beyond their eighteenth birthday; welcomes the recommendation of the Defence Select Committee that the Ministry of Defence consider raising the age of recruitment into the armed forces to 18 years; further welcomes the finding of the Joint Committee on Human Rights that the UK Government's declaration on ratifying the UN Optional Protocol to the Rights of the Child is overly broad, thereby undermining the UK's commitment not to deploy under-18s in conflict zones; and urges the Government to withdraw its declaration and to raise the age at which young recruits can be enlisted into the armed forces to 18 years and thereby set an example of good practice internationally.”

The Minister signed that early-day motion in 2005. When did he change his mind?

Mike Penning: They're not on ops.

Mark Pritchard (in the Chair): Order. I am putting the Question, Minister.

Question put and agreed to.

Resolved,

That this House has considered recruitment of under-18s into the armed forces.

5.28 pm

Sitting adjourned.

Written Statements

Tuesday 7 February 2017

ATTORNEY GENERAL

Serious Fraud Office (Contingencies Fund Advance)

The Solicitor General (Robert Buckland): I would like to inform the House that a cash advance from the contingencies fund has been sought for the Serious Fraud Office (SFO).

In line with the current arrangement for SFO funding agreed with HM Treasury, the SFO will be submitting a reserve claim as part of the supplementary estimate process for 2016-17.

The advance is required to meet an urgent cash requirement on existing services pending parliamentary approval of the 2016-17 supplementary estimate. The supplementary estimate will seek an increase in both the Resource Departmental Expenditure Limit and the net cash requirement in order to cover the cost of significant investigations.

Parliamentary approval for additional resources of £5.5 million will be sought in a supplementary estimate for the Serious Fraud Office. Pending that approval, urgent expenditure estimated at £5.5 million will be met by repayable cash advances from the contingencies fund.

The advance will be repaid upon Royal Assent of the Supply and Appropriation (Anticipation and Adjustments) Bill.

[HCWS463]

TREASURY

Bills of Sale

The Economic Secretary to the Treasury (Simon Kirby): In 2014, HM Treasury asked the Law Commission to review the Victorian-era bills of sale Acts. This legislation enables consumers and small businesses to borrow money using their goods as security, while allowing borrowers to retain possession of the goods. In recent years, bills of sale have been most commonly used in relation to logbook loans, which are loans that are secured on a consumer's vehicle.

The desire for a comprehensive review reflected the Government's significant concerns about consumer detriment in the logbook loan market, in particular the lack of protections available to consumers who took out a logbook loan, as well as innocent third party purchasers who unknowingly buy a vehicle that is subject to a logbook loan.

In 2014, the Government also fundamentally reformed the consumer credit market, by transferring regulation from the Office of Fair Trading to the Financial Conduct Authority (FCA). This more robust regulatory system is helping to deliver the Government's vision for a well-functioning and sustainable consumer credit market which is able to meet consumers' needs.

The Government have ensured that the FCA has strong powers to protect consumers, including the power to levy unlimited fines and require firms to compensate

consumers who have lost out, where it finds wrongdoing. The FCA assesses every firm's fitness to trade as part of the authorisation process, and it has put in place binding standards on firms. It proactively monitors the market, focusing on the areas most likely to cause consumer harm, and it has a broad enforcement toolkit to punish breaches of its rules. This has ensured that firms treat consumers fairly and consumers are better protected from sharp practice by firms.

However, the FCA cannot tackle the inadequacies of the bills of sale Acts, which mean that there are still significant gaps in the protection available for consumers who use logbook loans and third party purchasers.

The Law Commission's final report and recommendations to reform the bills of sale Acts were published in September 2016, and the Government have now had the opportunity to consider the report fully.

The Government are grateful to the Law Commission for a report which is exhaustive and careful in its treatment of this complex matter, and which makes detailed recommendations for reform.

The Government agree with the Law Commission's conclusion that consumers and unincorporated businesses should continue to be able to use their existing goods as security while retaining possession of them but that the bills of sale Acts no longer provide an appropriate legal framework and should be reformed. As well as accepting the overarching thrust of the recommendations, the Government welcome many of the detailed suggestions for reform. There are, however, some recommendations where the Government's acceptance is qualified. We will want to reflect further on these points, and take discussions forward with the Law Commission, stakeholders and other Government Departments.

This is an opportunity for the Government to continue their work in creating a modern, fit-for-purpose consumer credit regime. The recommendations will improve outcomes for consumers by simplifying the information that is presented to them and providing increased protections if they get into financial difficulty. The recommendations will also remove unnecessary burdens for firms, and create new opportunities for small, unincorporated businesses to access finance.

Copies of the Government's full response to the report's recommendations will be placed in the Libraries of both Houses once these have been fully considered and agreed with the Law Commission.

The Government are keen that this work should move forward, and have agreed to support the Law Commission in drafting primary legislation to enact the necessary reforms. The Government will seek to use the special parliamentary procedure which is available for Bills that implement uncontroversial Law Commission recommendations, subject to agreement with the usual channels, and to bring forward the legislation when parliamentary time allows.

The Law Commission's final report is available at:

http://www.lawcom.gov.uk/wp-content/uploads/2016/09/lc369_bills_of_sale.pdf

[HCWS462]

HOME DEPARTMENT

Fire Reform

The Minister for Policing and the Fire Service (Brandon Lewis): I want to update the House on progress made since the Prime Minister, as then Home Secretary, set out plans last May to reform the fire and rescue service in England to become more accountable, efficient and professional than ever before.

Services are already transforming and seizing opportunities for collaboration, for example, delivering a single suite of national operational guidance, creating a single, cross-service research and development function and developing a cross-service new commercial strategy. The service has also recently formed the National Fire Chiefs' Council which will transform the operational voice of fire and rescue services.

Our reform agenda is based around three distinct pillars: efficiency and collaboration, accountability and transparency, and workforce reform.

The Government have legislated through the Policing and Crime Act 2017 to transform local fire and rescue governance, enabling police and crime commissioners to become the fire and rescue authority where a strong local case is made. The Act also creates a statutory duty to collaborate. Better joint working can strengthen our emergency services, deliver significant savings to the taxpayer and—most importantly—enable them to better protect the public. This new duty requires emergency services to keep collaboration opportunities under review and to take on collaboration opportunities where it would be in the interests of efficiency and effectiveness to do so. It will come into force in April.

While fire and rescue authorities have achieved significant savings to date, I believe they can go further. Last year I undertook a basket of goods exercise to ascertain the prices each fire and rescue authority pays for a basket of 25 common items. The exercise illustrated that procurement practices need to be improved and so the Home Office has supported the sector develop a new commercial approach to aggregate and standardise procurement. This exercise will be repeated in the autumn to ensure progress is being made and a separate exercise will be undertaken this spring on different, high-spend items.

I will create an independent inspectorate and am considering options. I want this inspectorate to be rigorous in application and forensic in process, to deliver rounded

and comprehensive inspections to assess the operational effectiveness and efficiency of each service. This independent scrutiny will ensure that fire authorities are held to the highest possible standards. I will update the House in due course as this body is formed.

Transparency of fire and rescue services increased last year by the publication of new procurement and workforce diversity data and will be strengthened further by the creation of a new website that will hold a range of information, in one place, about services. This will include information such as chief officer pay, expenditure and workforce composition and further information is planned.

I will create a professional standards body to further professionalise the service. The Home Office is working with the sector to develop options for this body which I hope will form later this year. I propose this body to set standards on a range of issues such as leadership, workforce development, equality and diversity and codifying effective practice.

Finally, I published the independent review into firefighter terms and conditions by Adrian Thomas in November. The review's recommendations, if implemented, will secure the future of the service for years to come by creating a diverse working environment free from bullying and harassment, with strong leadership and more flexible working conditions. I am encouraged that the Local Government Association, in partnership with the sector, recognise the need to take swift action in response to this report and deliver vital reforms to the workforce. I expect the recommendations of the review to be followed, particularly in relation to reforming the national joint council and the Grey Book, and I will be closely monitoring progress.

I also expect services to step up and find solutions to the current lack of diversity so clearly highlighted in the workforce statistics we published last year, with just 4% of firefighters from an ethnic minority background and just 5% female.

Delivering this ambitious reform agenda does not simply rest with me, or with the Government. Ultimately, the sector itself must shape and deliver these changes. It is for their benefit and the benefit of the communities they serve, and I look forward to seeing the results.

[HCWS464]

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