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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES**

(HANSARD)

Thursday 7 September 2017

House of Commons

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The House met at half-past Nine o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

EXITING THE EUROPEAN UNION

The Secretary of State was asked—

Membership of the European Economic Area

1. **Stephen Kinnock** (Aberavon) (Lab): What discussions he has had with Cabinet colleagues on plans for the House to vote on continued UK membership of the EEA. [900639]

The Secretary of State for Exiting the European Union (Mr David Davis): The United Kingdom will no longer participate in the EEA agreement once we leave the European Union. The United Kingdom is a party to the EEA agreement in its capacity as an EU member state, so on exit day the EEA agreement will cease to operate in respect of the UK. It will no longer have any practical relevance to the United Kingdom. We are considering what steps, if any, we might need to take to confirm formally our withdrawal from the EEA agreement as a matter of international law.

Stephen Kinnock: I thank the Secretary of State for his answer, but I am afraid that article 127 of the EEA agreement, to which the United Kingdom has been a signatory since 1993, clearly states that any country wishing to leave the European economic area must give formal notice of at least one year. Will the Secretary of State therefore please confirm that such notice would have to be given to leave the EEA and that, given the fundamental constitutional, political, legal and economic importance of such a decision, the decision to leave the EEA would be subject to a debate and a vote?

Mr Davis: There is actually agreement that when the UK ceases to be a member of the EU, the EEA agreement will no longer operate in respect of the United Kingdom. As such, the Government's legal position is clear: article 127 does not need to be triggered for the agreement to cease to have effect, but we are looking at it just to make sure, for clarity purposes, that we meet its requirements.

Mr John Whittingdale (Maldon) (Con): Does my right hon. Friend agree that continued membership of the European single market, which some Opposition Members seem now to be advocating, would negate many of the advantages of leaving the European Union, while requiring us still to accept decisions that we could no longer influence? To that extent, it would actually be worse than continued membership as a full member.

Mr Davis: Yes, my right hon. Friend is quite right. The simple truth is that membership of the European Free Trade Association, for example, which would be one way to retain EEA membership, would do exactly that: it would keep us within the *acquis*, and it would keep us within the requirements of free movement, albeit with some limitations, but none of those have worked so far. In many ways, it is the worst of all outcomes. We did consider it—I gave it some considerable thought, maybe as an interim measure—but it seemed to me to be more complicated, more difficult and less beneficial than other options.

Tom Brake (Carshalton and Wallington) (LD): The Secretary of State has given an equivocal answer on whether there might need to be a vote on the EEA. Will he consider whether we should also have a vote on the settlement bill and, indeed, on the cost of the Nissan deal set out in the rather heavily redacted letter I have here?

Mr Davis: Well, the heavily redacted letter was not from me, so I am not entirely sure what the right hon. Gentleman is referring to, but the answer, generally, is no.

Mr Nigel Evans (Ribble Valley) (Con): Does the Secretary of State agree that we have already had a vote, and that was on 23 June last year? The British people decided to leave the European Union. Does he agree that one of the things we can now look forward to is being able to do trade deals with a number of countries throughout the world, which we are now constrained from doing as members of the European Union?

Mr Davis: My hon. Friend makes exactly the right point: we are able to make trade deals once we leave the European Union, and that will give us enormous benefits, because as the European Commission itself admits, 90% of world trade will be outside the EU, not within it, in the coming decades.

Keir Starmer (Holborn and St Pancras) (Lab): The Secretary of State set out his position on the EEA. On 15 August, he told the “Today” programme that transitional arrangements should be “as close as possible to the current arrangements”.

Two days before that, the Chancellor and the International Trade Secretary said in a joint article that Britain would leave the customs union and leave the single market. Both positions cannot be right. Will the Secretary of State step up to the Dispatch Box and tell us what form of transitional arrangements the Government are seeking to negotiate?

Mr Davis: I did that only a couple of days ago. I will come back to the point, but for the House's interest, I will read a small part of a LabourList article—I read LabourList all the time, of course—by the hon. Member for Aberavon (Stephen Kinnock), who opened this question. He said:

“On Sunday Keir Starmer used an article in *The Observer* to call time on the ambiguity that had come to define Labour's approach to Brexit since the referendum”—

the ambiguity, right? He said, “It was an approach”—this is the best bit—

“that...served us well on 8 June”.

What was that ambiguity? Tell leavers you want to leave; tell remainers you want to remain. That ambiguity, of course, could not last, and, as the hon. Gentleman said, it was never sustainable. That is the ambiguity of the right hon. and learned Gentleman who has just asked his question.

Now, our position is very clear. The transition arrangements will meet three different requirements: to provide time for the British Government, if need be, to create new regulatory agencies and so on; time for companies to make their arrangements to deal with new regulation; and time for other countries to make arrangements on, for example, new customs proposals. That is what will be required. That is why we need to be as close as we are to our current arrangements. It does not mean that, in the long run, we are in either the customs union or the single market.

Mr Speaker: There is plenty of material for colleagues to include in their Second Reading debate speeches if they so wish. The material might be better located there.

Keir Starmer: I asked the Secretary of State his position and he started with my position. If he wants to swap places—any time.

Given the progress to date, and knowing that we will go back to this answer, what prospects does the Secretary of State genuinely believe there are for bespoke transitional agreements being agreed, negotiated and implemented by March 2019? Knowing how anxiously businesses are looking at this, when does he anticipate being able to tell them what the arrangements will be, because they need to make arrangements?

Mr Davis: That is a very legitimate and sensible question. I believe that the benefits of a transitional arrangement go both ways—they are symmetrical. They apply equally to France, Holland, Germany or Denmark as they do to us. That is some of the read-back we have been getting. I know that the right hon. and learned Gentleman has been travelling around Europe himself and he will no doubt have picked up that same read-back. We are finding that the Commission is open to discussion of transition. We have raised it only briefly at each of the last two meetings because it does not fit within the current four groups of negotiation, but I think there is a very good prospect.

European Union (Withdrawal) Bill

2. **Dr Paul Williams** (Stockton South) (Lab): What assessment the Government have made of the potential effect of the EU (Withdrawal) Bill on (a) workers' rights and (b) environmental protection. [900640]

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Steve Baker): The UK already goes beyond EU minimum standards in a number of employment areas, and similarly we have a long history of environmental protection. We are committed to safeguarding and improving both. The EU Withdrawal Bill will ensure that EU-derived workers' rights and environmental protections that currently apply will continue to be in place in domestic law on exit, and will enable those laws to continue to function effectively. It will then be for Parliament and, where appropriate, the devolved legislatures to make any future changes to EU-derived law.

Dr Williams: Britain already has one of the most competition-friendly economies in the world, according to the OECD, but some Conservative Members want to use Brexit to dismantle workers' rights and erode environmental protections. [Interruption.] The EU brought us—[Interruption.]

Mr Speaker: Order. I am sorry, but there is huge pressure of time today, and we do not have time for descriptions. What we need is short, pithy questions, preferably not heckled extensively, so that we can get down the Order Paper.

Dr Williams: The EU brought us parental leave for families, it brought us—

Mr Speaker: Order. I am sorry, but I explained that what I need is a single-sentence question, not a series of descriptions.

Dr Williams: Will the Minister assure the residents of Stockton South that their rights will not be eroded and that workers and the environment will not end up paying the price of Brexit?

Mr Baker: Yes, I am happy to reassure the hon. Gentleman and his residents. I can reassert the Government's commitment not to roll back workers' rights. As I have said, the UK already goes beyond EU minima, and it will be for Parliament in future to determine the future course of the law.

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con): First, may I welcome my hon. Friend to the Dispatch Box? In the course of the debates about the so-called Henry VIII powers, will he remind everybody that section 2 of the European Communities Act 1972 actually, for 40 years, gave a British Government the kind of Executive authority that was never granted before, and that in leaving the European Union we will be giving Parliament back its power to scrutinise?

Mr Baker: I am extremely grateful to my right hon. Friend; of course I agree with him. I am invigorated and excited to find that Parliament is reawakening to the need for full and proper scrutiny of secondary legislation.

Caroline Lucas (Brighton, Pavilion) (Green): Does the Minister recognise the risk of an impending governance gap with regard to environmental legislation? At present, the Commission and the European Court of Justice perform the vital role of both monitoring and enforcing laws. Domestic mechanisms like judicial review simply do not go far enough. What new institutional mechanisms is he going to look at to make sure that he leaves the environment in a better state than he found it?

Mr Baker: I am grateful to the hon. Lady for reminding the House that we are committed to leaving the environment in a better state than we found it.

Caroline Lucas: How will you do it?

Mr Baker: She asks how we will do it. The Bill makes provision for Ministers to bring forward statutory instruments that will correct deficiencies that would

otherwise arise as we bring EU law into UK law. I very much look forward to the debate on the particular instruments.

Mr Owen Paterson (North Shropshire) (Con): May I also welcome my hon. Friend to the Front Bench? I welcome his comments to the hon. Member for Brighton, Pavilion (Caroline Lucas), who is completely wrong, because leaving the European Union will enable us to take our full role on international bodies such as the International Plant Protection Convention, the World Organisation for Animal Health and the Codex Alimentarius Commission. We will be able to adapt the world conventions Ramsar and Bern to our own environment, our own landscape, our own flora and our own fauna. Does my hon. Friend agree?

Mr Baker: I do agree with my right hon. Friend, and I am most grateful to him for giving me the opportunity to put on the record again that we will uphold all our commitments to international law in relation to the environment.

Peter Grant (Glenrothes) (SNP): Despite the Minister's assurances a few minutes ago, clause 9 as it stands will give the Minister the almost unlimited right, with minimal parliamentary scrutiny, to wipe out any workers' protection that he chooses. Given that they are promising not to do that, will the Government commit today to amending that clause at Committee stage so that the erosion of workers' rights is explicitly excluded from the powers that that clause will bring?

Mr Baker: The powers in the Bill have been drawn widely in order that this country and this Parliament can meet the imperative of delivering a working statute book on the day we leave the European Union, to deliver certainty, continuity and control and, on the area that the hon. Gentleman raises, in order to implement the withdrawal agreement in a way that allows us to leave the European Union smoothly and successfully.

I will not give the hon. Gentleman the assurance that he is looking for today, but I will say to him that as the junior Minister responsible for the Bill on behalf of the Secretary of State, I will look with the utmost seriousness at the amendments that are tabled. What we will not do is accept any amendment that compromises the fundamental purpose of the Bill, which is to deliver certainty, continuity and control as we leave and to allow us to make the necessary changes to UK law to implement the necessary withdrawal agreement.

Peter Grant: The Government believe that clause 9 is necessary because of the huge volume of legislation that will have to go through simply to tidy up potential anomalies in legislation. I am offering them a way out. Why are they so determined to bring in legislation that they do not intend to use, when they will have their work cut out for them to bring in the legislation that they do need? Why will the Minister not commit to putting into legislation the promise that he has just given to the House at the Dispatch Box?

Mr Baker: With respect, the hon. Gentleman may be confusing clauses 7 and 9. I look forward to the fullest debate on these matters on the Floor of the House when we come—I hope, Parliament willing—to Committee stage.

Mr Bernard Jenkin (Harwich and North Essex) (Con): May I add my congratulations to my colleague on his appointment to the Front Bench? It is very well deserved. Is not the right way for the hon. Member for Stockton South (Dr Williams) to secure the rights of workers, and to secure the environmental protections that he wants, to vote for the EU (Withdrawal) Bill? If the Labour party succeeds in blocking the Bill, those protections will no longer exist.

Mr Baker: I am most grateful to my hon. Friend for his congratulations and his support, and I look forward to his support in future. He is absolutely right: the best way for Members of this House to ensure that they serve their constituents by delivering a working statute book, and delivering the continuity of the rights and protections currently in EU law and applying to the UK, is to vote for this Bill and to support its passage through the House.

Citizens' Rights

3. **Mr Virendra Sharma** (Ealing, Southall) (Lab): What assessment he has made of the progress during negotiations on reaching agreement on the future status of EU citizens in the UK and UK nationals in the EU27 after the UK has left the EU. [900641]

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): As the House will be aware, and as my right hon. Friend the Prime Minister has set out, our Department has prioritised this strand in negotiations. We recognise the importance of providing swift reassurance to 4 million people—EU nationals living in the UK and UK nationals living in the EU. In August, we agreed to protect the rights of frontier workers, cover future social security contributions and protect existing healthcare rights and arrangements for EU citizens in the UK and UK citizens in the EU.

Mr Sharma: Businesses across my constituency and throughout the country are worried, not just about retaining staff but about attracting the brightest and the best. Heathrow, which is just outside my constituency, employs thousands locally, and medical research firms contribute massively across the country. What can the Minister say to assure them that Brexit will not destroy their competitiveness?

Mr Walker: The hon. Gentleman makes an important point. We do want to make sure that as we look towards the future and towards a new immigration policy after we have left the European Union, we can meet the needs of business and our economy. I am glad that the Home Office has commissioned work from the Migration Advisory Committee looking at all sectors of the economy and all parts of the UK, to make sure that we can continue to attract the brightest and the best.

Theresa Villiers (Chipping Barnet) (Con): Will my hon. Friend reiterate and emphasise the Government's commitment to settling the question of EU nationals, giving them the stability they need through securing their rights, including keeping families together?

Mr Walker: Absolutely. My right hon. Friend is right to raise this issue. We have set out in our paper a fair and serious offer to maximise certainty for people—

individuals and families—and it is important to remember that this applies equally to EU nationals living in the UK and many of our own nationals living across the EEA.

Paul Blomfield (Sheffield Central) (Lab): Some of the proposals the Government have apparently been considering on the future of EU migration may apply from the day on which we leave the European Union. Irrespective of the status of any leaked document, does the Minister agree that the Government should not make any changes that would prevent them from securing a transitional deal to protect jobs and the economy?

Mr Walker: As the hon. Gentleman knows, I will not comment on any leaked documents, but of course it is important that we secure certainty and continuity for citizens in this process. My right hon. Friend the Secretary of State has set out very clearly our commitment to establishing interim arrangements, and we look forward to discussing those issues in the context of the future partnership, which will be crucial to securing results on both.

Stephen Crabb (Preseli Pembrokeshire) (Con): Does my hon. Friend agree that striking a positive position with respect to future migration from the EU will be really important not just for the labour market, where we have skills shortages at all skill levels in the economy, but as one of the keys to help secure the best possible final trade deal with the EU?

Mr Walker: My right hon. Friend makes a very good point. It is very clear from what the Prime Minister has said that even after we have left the EU we will continue to want to seek talent from Europe. We will continue to strike that positive attitude, but it is important in the interests of both UK and European citizens that we get on with the discussions, proceed at pace and secure a deal that provides maximum certainty.

Paul Blomfield: Perhaps I have given the Minister time to think about actually answering my question about making a commitment not to introduce any new migration rules from 2019 that will impact on a transitional deal. Looking beyond 2019, let me also ask: given that the Government are committed to the principle of reciprocity in any deal on citizens' rights, would he be happy for UK citizens living and working in the EU to be subject to biometric screening and fingerprinting?

Mr Walker: The hon. Gentleman has asked very theoretical questions about future policy, and I am not going to get into commenting on other Departments' policies that have not yet been published. What is important is that we negotiate in good faith to secure the best outcome for UK citizens and for EU citizens, and that is exactly what we are doing.

Support for Farmers

4. **Nigel Huddleston** (Mid Worcestershire) (Con): What recent discussions he has had with the Secretary of State for Environment, Food and Rural Affairs on support for farmers after the UK leaves the EU.

[900642]

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Steve Baker): We have been working closely with the Secretary of State for Environment, Food and Rural Affairs on support for farmers. The Government will provide the same cash total in funds for farm support until the end of the Parliament. We are working closely with a range of stakeholders, as well as the devolved Administrations, to maintain stability for farmers. The Department for Environment, Food and Rural Affairs will introduce an agriculture Bill to support our vision for a thriving and self-reliant farming sector that is more competitive, productive and profitable, as well as to protect our precious natural environment for future generations and to deliver on our manifesto commitment to provide stability for farmers as we exit the EU.

Nigel Huddleston: I thank the Minister for that comprehensive response. He is aware that the UK farming sector is highly reliant on EU labour. What discussions has he had with DEFRA and others about the potential reintroduction of a seasonal agricultural workers scheme?

Mr Baker: I am happy to tell my hon. Friend that the Government keep our position on seasonal workers under review. Until we have left the EU, employers in the agricultural and food processing sectors are free to continue to recruit EU workers to meet their labour needs. It remains the Government's policy not to operate migration schemes for non-EEA nationals coming to fill vacancies at lower skill levels while employers have unrestricted access to labour from elsewhere in the EU. I note, however, that the Home Office told the Environment, Food and Rural Affairs Committee earlier this year that a new SAWS could be introduced very quickly—in five or six months—once the need for such a scheme has been identified. I hope my hon. Friend is reassured that we will have the agility to meet those needs.

Kerry McCarthy (Bristol East) (Lab): I hope that Ministers are listening to the people who gave evidence to the EFRA Committee that food will end up rotting in the ground if we do not have the labour force to dig it up. May I urge the Minister to accept that this is not just about subsidies for farmers, but about access to the market—and tariff-free access to the market? Unless that is resolved, our farming industry will collapse.

Mr Baker: Of course we wish to secure tariff-free access to European markets, and indeed to markets across the world, but these are matters for negotiation. I am sure the hon. Lady would join me in saying to the EU that it is in all our interests to move swiftly to discussions on our future agreements.

Mr Philip Hollobone (Kettering) (Con): British farmers are among the most efficient in Europe. Will Brexit not give us a chance to design an agricultural policy in their interest, not that of inefficient farmers in Europe?

Mr Baker: My hon. Friend is absolutely right. This is a unique opportunity for the UK to craft agricultural policies that suit our unique needs, which I hope will be to the benefit of the UK and our farmers.

13. [900653] **Liz Saville Roberts** (Dwyfor Meirionnydd) (PC): Welsh farmers and fishermen need assurances now that the UK and Welsh Governments are working together. How often will formal ministerial discussions

on agriculture and fisheries take place in the next three months, and will these meetings be open to formal scrutiny?

Mr Baker: I am very grateful for that detailed question, and I look forward to answering the hon. Lady in writing.

Leaving without a Deal

5. **Hannah Bardell** (Livingston) (SNP): What recent assessment he has made of the potential effect on (a) the economy and (b) employment levels of the UK leaving the EU without a deal. [900643]

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Steve Baker): A future partnership between the UK and the EU is in the interests of both sides, and I am confident that we will secure a good deal for the UK as a whole. A responsible Government, however, should prepare for all potential outcomes, including the unlikely scenario in which no mutually satisfactory agreement can be reached. The Government are undertaking a comprehensive programme of analytical work across a range of scenarios to assess the economic impacts of exiting the EU. As the House has agreed twice, however, we will not be publishing any information that would prejudice our negotiations.

Hannah Bardell: The CBI president, Paul Drechsler, has said that the implications of falling back on to World Trade Organisation rules and a no-deal scenario would open up a

“Pandora’s box of economic consequences”

and that the UK could face tariffs on 90% of its EU exports by value. Will the Minister reassure business, therefore, that the UK will not walk away from these negotiations with no deal?

Mr Baker: It is our intention to do what is in all our interests—the mutual interest of all the nations of the EU and the UK—which is to secure a deep and special partnership, including a broad and deep free trade agreement, and I look forward to doing so. I think, however, that the WTO is one of the great achievements of liberalism against the forces of economic nationalism, and I look forward, in whatever circumstances we leave, to the UK playing the fullest part in the improvement and development of the WTO.

Mr Speaker: I thought that the hon. Gentleman was about to refer to Ludwig von Mises, but no doubt that awaits another of his answers in due course.

Sir Desmond Swayne (New Forest West) (Con): I hope that the Minister still believes that no deal is better than a bad deal.

Mr Baker: I agree with my right hon. Friend and refer him to what the Chancellor famously said on “Marr”: what we cannot do is accept some kind of punishment deal. An environment in which the UK trades with the world while having control of our own tariffs, taxes and domestic regulation is one of which we should not be afraid.

Stephen Timms (East Ham) (Lab): Does it remain Ministers’ ambition to secure barrier-free access for the UK to the European single market, and is not the only way to enjoy the benefits of the single market to comply with the rules of the single market?

Mr Baker: We recognise that the freedoms of the single market are indivisible and that the people of this country wish for Parliament to set its own laws and for a UK migration policy that meets with their democratic consent. It is the ambition of Ministers to secure trade with the absolute minimum of frictions, and I hope and look forward to doing so.

19. [900661] **James Cartlidge** (South Suffolk) (Con): The potential of not having a deal raises the issue again of a transition, and the Secretary of State said earlier he thought that there were very good prospects on that point. Given that the purpose of a transition is to give certainty to business, is not the only logical timeframe for a transition one that runs from when we leave to when a new comprehensive deal is signed?

Mr Baker: The Government have agreed that the country would benefit from a period of implementation, but how that works and the destination to which we will be heading remain matters for negotiation.

Dublin III Regulation

6. **Norman Lamb** (North Norfolk) (LD): Whether the Government plan to continue to apply the Dublin III Regulation after the UK leaves the EU. [900644]

20. **Mr Ronnie Campbell** (Blyth Valley) (Lab): Whether the Government plan to continue to apply the Dublin III Regulation after the UK leaves the EU. [900662]

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): The Prime Minister has been clear that we will continue to co-operate with our European partners on migration and asylum as we leave the EU. In our negotiations, we will discuss the exact nature of this co-operation as part of our future partnership, but as the Secretary of State said in his statement to the House on 5 September,

“We are a country with a strong tradition of tolerance and generosity, and if anything, I expect that to grow after we leave, not diminish.”—[*Official Report*, 5 September 2017; Vol. 628, c. 64.]

Norman Lamb: Will the Minister guarantee that unaccompanied children who are orphaned or have no idea where their parents are will still have the right to be reunited with family members—whether they are brothers, sisters, uncles, aunts or grandparents—who are living in the United Kingdom once we have left the European Union? They are, after all, the most vulnerable children: the most vulnerable to traffickers and to others who seek to abuse them.

Mr Walker: The right hon. Gentleman is right: we should absolutely seek to continue our policy of generosity towards those children and ensure that our family reunion policy remains generous. We have reunited, and continue to reunite, many refugees with their immediate families: we have granted more than 23,000 family reunion visas

over the past five years. Obviously, I cannot set out the details of what we will agree with the EU, but we intend to agree on significant co-operation in this space to ensure that we can continue to bring families together.

Several hon. Members *rose*—

Mr Speaker: I would call the hon. Member for Blyth Valley (Mr Campbell) if he were here, but he is not, so I will not—but we will hear Mr Andrew Slaughter.

Andy Slaughter (Hammersmith) (Lab): The problem with Dublin III, apart from the fact that we do not implement it very well, is that unaccompanied children have to get into the EU, often making perilous journeys, to apply under its provisions. Will the Government consider extending the provisions if we leave the EU, so that wherever people are in the world, they can apply under those terms?

Mr Walker: I think that the hon. Gentleman's question will have been heard. It is not really a question for my Department, but we certainly intend to establish co-operation with the EU on these matters and to continue to have as generous a policy of family reunion as we have had to date.

UK Food Safety Standards

7. **Patricia Gibson** (North Ayrshire and Arran) (SNP): What recent discussions he has had with Cabinet colleagues on the maintenance of UK food safety standards after the UK leaves the EU. [900645]

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Steve Baker): The UK Government are committed to maintaining food safety standards and ensuring that the UK has an effective food safety regulator. The Food Standards Agency is a science and evidence-based Department, responsible for protecting public health and consumers' other interests. Any proposed changes in UK food safety rules once we have left the EU and are no longer subject to EU regulations would be subject to a rigorous risk assessment by the agency. Our absolute priority is to protect public health and consumers' other interests in relation to food, and we will continue to base that on the best scientific evidence available.

Patricia Gibson: Does the Minister agree with the Secretary of State for International Trade, who is on the record as having said that he is "relaxed" about the diminution of food safety standards post-Brexit, or will he now distance himself from those remarks?

Mr Baker: The Government are committed to maintaining food standards, which will be a matter for the House of Commons to decide in future. I remind Members that the European Union (Withdrawal) Bill will bring EU law, as it applies to the UK, into UK law, so that it will continue to apply.

Jenny Chapman (Darlington) (Lab): The Government know that the UK relies on the EU for 25% of our food and that we grow just 15% of our own fruit and 55% of our own vegetables. The Minister is nostalgic for decades past, but—assuming that the Government do not intend

UK households to return to consuming Spam and tinned peaches—can he assure us that he is not considering imposing tariffs on EU food imports?

Mr Baker: The House has heard the word "fantasy" since it reconvened after the recess, and the hon. Lady has now put before it a fantastical proposal. We will ensure that the UK continues to enjoy the widest range of products available in our shops.

Government Negotiations

8. **John Stevenson** (Carlisle) (Con): What steps his Department is taking to ensure a flexible approach in the Government's negotiations on the UK leaving the EU. [900646]

The Secretary of State for Exiting the European Union (Mr David Davis): Both sides in the negotiation are clear about the fact that we want to achieve the best possible outcome and the strongest possible partnership. We have said repeatedly that, to achieve that end, both sides must demonstrate a dynamic and flexible approach to negotiations. In papers published by the Government, for instance, we have made it clear that we stand ready to protect the voting rights of EU nationals living in the UK. There will be give and take as the negotiations progress, but the destination is clear: a deep and special partnership that sees both parties emerge strong and prosperous, capable of projecting our shared values, leading in the world and demonstrating our resolve to protect the security of our citizens.

John Stevenson: Given that a transitional arrangement is likely to be required, and if the Government are to be flexible, a simple solution to consider is an off-the-shelf arrangement with some modifications. Would the Government be willing to consider rejoining the European Free Trade Association and then the European economic area, with suitable and appropriate amendments and modifications?

Mr Davis: As my hon. Friend will understand—he heard me say this earlier—we considered that in some detail before the Lancaster House speech. We concluded that it did not meet the requirements for which the British people voted and that it would not be as easy to negotiate as an alternative bespoke transitional arrangement might be.

Hilary Benn (Leeds Central) (Lab): Now that the Secretary of State has accepted that there will need to be transitional arrangements, is it the Government's policy that the UK will continue to make payments into the EU budget for that period, however long it lasts?

Mr Davis: I think this must be the 20th time I have said to the right hon. Gentleman that I am not going to negotiate from this Dispatch Box, and he should know that. What I will say to him is that the transitional arrangements as we have described are an implementation period—or phase, or any of all the other different words used for it—and are there for one purpose: to ensure, in his words, that we avoid a cliff edge. That is not just true of us: it is not just the UK that has come to this conclusion—some time ago as it turns out—but so have the other members of the European Union, and

one of the things we have been doing in the past six to nine months is ensuring that they understand from their point of view precisely how valuable to them a transitional arrangement will be.

Kevin Hollinrake (Thirsk and Malton) (Con): It is right that we meet our financial obligations when we leave the European Union, but past contributions we have made have funded vital infrastructure across Europe, including eastern Europe, which will have a long-term financial benefit for the EU. Has this been discussed in negotiations and used to mitigate our final bill when those negotiations conclude?

Mr Davis: We have made that very plain: the words used are that we expect to respect our international obligations but also to have our rights respected. That point has been made very clear. One of the reasons why the last negotiating round was perhaps a little tenser than the previous one is that we were making it very plain what we judged the legal basis to be, and that was not always comfortable.

Sir Vince Cable (Twickenham) (LD): What assurances can the right hon. Gentleman give to financial services companies and other firms that are seriously concerned that they now face the cost and uncertainty of three successive rule books: the single market, the post-single market transition and the post-transition agreement?

Mr Davis: As ever, the right hon. Gentleman makes a good point, and that does mean that we will want to ensure there is a single transition, not two different transitions in and out of the transition period. That is why, as the right hon. and learned Member for Holborn and St Pancras (Keir Starmer) quoted me as saying, I said we want the transition arrangement to be as close as possible to the current circumstance. It will be remembered, too, that when I responded to the right hon. and learned Gentleman I said there are three effective sets of criteria: one, time for the Government to accommodate; two, time for other Governments to accommodate; but, importantly too in his context, time after the decisions for financial services and other industries to do their own accommodations.

Lucy Frazer (South East Cambridgeshire) (Con): Last week, Michel Barnier said it was not fair that EU taxpayers should continue to pay for Britain's obligations, but is it fair that British taxpayers should continue to pay for the EU's obligations in circumstances where we may not be benefiting from subsidy schemes post-withdrawal?

Mr Davis: My hon. Friend raises a point that we have already raised with Michel and the remainder of the team. At the moment, the Union's negotiating team are taking the approach of stressing what they term legal responsibilities, and we are challenging them. When we get to the end of that, we will make some decisions about political and moral responsibilities, and also negotiating outcomes, and that is where the decision will, I suppose, be made.

Matthew Pennycook (Greenwich and Woolwich) (Lab): The Government took flexibility to new heights over the summer, taking just under three weeks to jettison

one of only two proposals set out in their customs arrangement paper on the basis that they represented "blue sky thinking". Can the Secretary of State tell us how many of the other proposals set out in the various future partnership papers are effectively just creative ideas that are unlikely to survive contact with reality?

Mr Davis: I do not think the hon. Gentleman was paying attention the day before yesterday: I said to him then that blue sky thinking, talking to an American audience, is a description of an imaginative approach.

Anna Soubry (Broxtowe) (Con): May I gently say to my right hon. Friend that I would have thought that what everybody is trying to do is to form some kind of consensus? I think we all agree that we have a very, very short period to negotiate all manner of highly complex agreements, including a transitional period agreement. So may I suggest to him that, rather than keep ruling things out, we put everything back on the table and look at what we call "Norway for now", which we would simply adopt as a transitional period until such time as we come to a final arrangement with the EU?

Mr Davis: Well, my right hon. Friend can be as gentle with me as she likes. The simple truth is that, before the Lancaster House speech, we went through a process of considering what the best negotiating strategy would be, in some detail. We looked at who would have to negotiate with, where the compromises would have to be made and what the gains would be. We came to the conclusion that the route we are now taking, involving discussions with the member states initially and now with the Union and a transition based on maintaining the important components of what we currently have, is the best way to do it.

VAT Rates

9. Sarah Jones (Croydon Central) (Lab): What discussions he has had with the Chancellor of the Exchequer on changes to VAT rates after the UK leaves the EU. [900649]

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Steve Baker): The Secretary of State and the Chancellor are working together to deliver the UK's departure from the European Union. Our future relationship with the EU, including on VAT, will be subject to negotiations. Any decisions on VAT rates will be taken by the Chancellor as part of the normal Budget process.

Sarah Jones: Our children go back to school this week, and parents are still paying a fortune for branded school uniforms. Cutting VAT on uniforms for older children would save some £200 million, but this cannot be done under current EU law. My constituents have asked me to ask Ministers to raise this matter whenever the negotiations turn to VAT.

Mr Baker: The hon. Lady raises an interesting point, which I know has been heard by those on the Treasury Bench and will be heard by the Chancellor. However, I would gently point out to her that VAT raised £120 billion in 2016 and provides essential funding for public services, including education.

Mr Gregory Campbell (East Londonderry) (DUP): Does the Minister look forward, like me, to the days when these protracted discussions are concluded and the Chancellor will have the liberty, which we did not have as members of the EU, to set tax rates across the whole range?

Mr Baker: That is exactly right.

Universities

10. **Jo Churchill** (Bury St Edmunds) (Con): What discussions his Department has had with universities on their priorities for the negotiations on the UK leaving the EU. [900650]

17. **Alex Chalk** (Cheltenham) (Con): What discussions his Department has had with universities on their priorities for the negotiations on the UK leaving the EU. [900658]

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): As we leave the European Union, the Government are committed to ensuring that Britain remains a global hub for education, science and research. I am delighted to see this week that the Universities of Oxford and Cambridge have been ranked as the top two universities in the world. To maintain our success, the Government are listening carefully to the sector's views. This week, we published our discussion paper on science and innovation. As the UK leaves the EU, one of our core objectives is to continue to collaborate with European partners on major science, research and technology initiatives, and the paper explores how the UK and the EU can achieve that objective together.

Jo Churchill: This country has three of the world's top universities, as well as a vibrant life sciences sector, as indicated by the life sciences industrial strategy. The sector needs global talent and reassurance, but I know from talking to people at the University of Suffolk and the University of Cambridge that some have sought not to give academics and students that reassurance. What reassurance can the Minister give me that the scaremongering is untrue and what assurances can he give to our university sector?

Mr Walker: My hon. Friend is rightly a champion for the excellent universities in her area. As the Prime Minister has made clear in the EU exit White Papers, one of our greatest strengths as a nation is the breadth and depth of our academic and scientific communities. Britain remains the second most popular destination in the world for academic study. We have already offered assurances to EU students starting a course in the 2018-19 academic year or before, and they will continue to be eligible for home fee status tuition fee loans and applicable maintenance support. I share my hon. Friend's ambition for our university sector to act as a magnet for talent from around the world.

Alex Chalk: The University of Gloucestershire in my constituency admits students from across the world, including the EU, benefiting the local economy and community. What steps are being taken to amplify and

underscore the message that the UK continues to warmly welcome overseas students to study here, in Cheltenham and beyond?

Mr Walker: I refer my hon. Friend to the answer I have just given. He is absolutely right, and I would add that the Home Secretary has asked the Migration Advisory Committee to examine student migration and to report back next year. As she made clear in her commissioning letter, and has been echoed in our own science paper, international students enhance our universities, both financially and culturally, and often become important ambassadors for the United Kingdom in later life, so we will continue to welcome them long into the future.

Chris Bryant (Rhondda) (Lab): The Prime Minister boasted yesterday about the number of Nobel prize winners that this country had had, but the truth is that many of them were migrants who started their lives elsewhere in the world and came to this country to study in our universities. Should we not be proclaiming that fact as part of our proud inheritance?

Mr Walker: We are, and we will continue to do so.

Thangam Debbonaire (Bristol West) (Lab): Will the Minister please reassure the University of Bristol and the University of the West of England that he values their collaboration with their EU counterparts and that he will prioritise doing everything he can to ensure that that collaboration continues?

Mr Walker: I refer the hon. Lady to the paper we published this week, which sets that out clearly. We see a huge advantage both to the UK and the EU in continuing that collaboration, and we look forward to discussing it as we move towards talks on the future partnership.

UK Workers' Rights

11. **Dan Carden** (Liverpool, Walton) (Lab): If he will include within the European Union (Withdrawal) Bill proposals for a mechanism to ensure that UK workers' rights and protections remain in line with EU rights and protections after the UK leaves the EU. [900651]

21. **Alex Norris** (Nottingham North) (Lab/Co-op): If he will include within the European Union (Withdrawal) Bill proposals for a mechanism to ensure that UK workers' rights and protections remain in line with EU rights and protections after the UK leaves the EU. [900663]

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Steve Baker): We do not need to be part of the EU to have strong protections for workers. As I explained earlier, the UK already goes beyond EU minimum standards, and the European Union (Withdrawal) Bill will not change that. In future, it will be for Parliament and, where appropriate, the devolved legislatures to decide on changes to employment law. The Government have committed not to roll back workers' rights and to ensure that we keep pace with the changing labour market.

Dan Carden: That is very interesting, because the Secretary of State for International Trade wrote in the *Financial Times* in 2012:

“To restore Britain’s competitiveness we must begin by deregulating the labour market. Political objections must be overridden... It is intellectually unsustainable to believe that workplace rights should remain untouchable”.

Is it not the case that we cannot trust the Tories with workers’ rights?

Mr Baker: It is certainly not the case. I will say to the hon. Gentleman once again that this Government are committed not only to protecting workers’ rights, but to ensuring that workers’ rights keep pace with the changing labour market, as evidenced by the Taylor report, which the Government are currently considering.

Alex Norris: We have heard very warm words about protecting workers’ rights, something which will be tested over time, but will Ministers detail today the precise mechanism that they will use to work with trade unions and employers to ensure that Britain does not become the low-standards capital of Europe post-Brexit and to maintain workers’ rights over time?

Mr Baker: This Government want to win the race to the top. I think I can say that we want to ensure that this country is either at or heading towards the top of every index of human prosperity, wellbeing and happiness, and we will work towards that end.

Suella Fernandes (Fareham) (Con): I join in congratulating my hon. Friend on his appointment. Whether in relation to workers’ rights or more generally, does he agree that had the British people wanted to be subject to EU law, they would have voted to remain in last year’s referendum? Does he agree that the European Union (Withdrawal) Bill actually restores powers to Parliament and that a vote against it is only a vote to ensure that the UK automatically keeps pace with EU law with no say of its own?

Mr Baker: Of course my hon. Friend makes an important point, for which I am most grateful. An easy way to automatically keep pace with EU law, whatever it might be, would have been to remain in the EU, but the public did not choose to do that, so Parliament will decide the law in future and it will be for Parliament to scrutinise any proposed changes.

Michael Tomlinson (Mid Dorset and North Poole) (Con): I warmly welcome the Minister to his place. Does he agree that the European Union (Withdrawal) Bill is not the great repeal Bill but the great continuity Bill? Workers’ rights will not be undermined by the Bill; they are already enhanced when compared with the EU.

Mr Baker: My hon. Friend is absolutely right. The original name—the great repeal Bill—was inspired by the greatness of its constitutional significance and certainly not because of any changes it makes to workers’ rights which, as we have said, will continue unchanged.

Brexit Timetable

12. **Bob Blackman (Harrow East) (Con):** What steps the Government are taking to ensure that the timetable for the UK leaving the EU is met. [900652]

14. **Mr Simon Clarke (Middlesbrough South and East Cleveland) (Con):** What steps the Government are taking to ensure that the timetable for the UK leaving the EU is met. [900655]

The Secretary of State for Exiting the European Union (Mr David Davis): We aim to get the right agreement for the United Kingdom and the European Union. Government officials are working at pace, and we have said repeatedly that both parties will need to demonstrate a dynamic and flexible approach in each negotiation round. Flexibility and creativity are needed from both sides, and we have already said that we are willing to meet as frequently as required. We want to reach an agreement about our future partnership by the end of March 2019. From that point, we believe that a time-limited interim period will be in the mutual interest of the United Kingdom and the European Union, allowing people and businesses in the United Kingdom and the European Union to adjust to the new arrangements.

Bob Blackman: I thank my right hon. Friend for his answer. Our future trade relations with the European Union are clearly vital, and it is good news that a queue of trade deals is potentially in the offing for when we leave. Given our unique position with the EU, it is surely perfectly possible to conclude a trade agreement by the time we leave in March 2019.

Mr Davis: Yes, my hon. Friend is exactly right. The Bill that we will debate later today is designed with exactly that in mind. The unique nature of the free trade agreement that we are seeking to agree with the European Union is that we all start from exactly the same standards. The previous question related to maintaining the same standards for labour law and other matters, but those standards are actually already better. My hon. Friend is right that our unique position is the key to getting a fast, effective and wealth-creating trade agreement.

Mr Simon Clarke: People and businesses in Middlesbrough South and East Cleveland are confident about the opportunities that lie ahead after Brexit. Can the Secretary of State reassure my constituents that he will ignore some of the ill-judged rhetoric coming out of the Commission about teaching us a lesson and focus instead on securing a deal that works for our mutual benefit?

Mr Davis: I think I should say, in the interest of maintaining amity across the negotiating table, that Mr Barnier clarified that he did not intend to say “educate”. He meant that he wanted to bring everybody up to speed on the benefits, as he sees it, of the single market. Both sides want to achieve the best possible outcome and the strongest possible partnership for the future, and that is what we intend to do. It is in neither side’s interest for there to be a cliff edge for businesses or a threat to stability. The UK and the EU will work together to agree provisions for an interim period that

will allow people and businesses in both the UK and the EU to adjust in a smooth and orderly way to new arrangements. That will minimise disruption, give as much certainty as possible and meet the wishes of my hon. Friend's constituents.

Jim Shannon (Strangford) (DUP): Nowhere is the timetable for leaving the EU more important than in Northern Ireland and the Republic of Ireland. Press reports today indicate that there will be a special relationship in how we work the border between the Republic of Ireland and Northern Ireland. Can the Minister give us some idea of those discussions and of what has happened so far?

Mr Davis: At the moment, I can talk only to the discussions within the European Union negotiating group. From the beginning we were very keen to start on this as quickly as possible. We understand, of course, that the conclusion we get will be dependent, to some extent, on all the other decisions on borders. How much special arrangement we have to make will depend on how open the borders are generally. We have made very good progress. At the last round in particular, the Commission was concerned that continuing with the common travel area would impinge on European Union citizens' rights. We have persuaded the Commission that that is not true, and it has basically accepted our argument.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Does the Secretary of State not realise that, every time he speaks at the Dispatch Box, the key wealth-creating areas of this country feel more and more uncertain about their future? We are haemorrhaging people. We cannot recruit people to the City of London and financial services, we cannot recruit people to universities and we cannot recruit people to manufacturing. For goodness' sake, man, get on with the job.

Mr Davis: Perhaps I will organise a visit for the hon. Gentleman to see Mr Barnier himself. We have taken action in all those areas. We have taken action to underpin the funding of universities. In industry, we have seen the Nissan arrangements. We have talked to the financial services sector about what we expect to happen, and we have particularly talked about an implementation period with them in mind—not just them, but them in particular. Plenty of action is being taken to improve the certainty and clarity on where we are going.

Mr Speaker: Finally, Charlie Elphicke.

18. [900660] **Charlie Elphicke** (Dover) (Con): It is important to be robust on the timetable, but it is also important to be robust in the face of Brussels' demand that we send more money. We should not be bullied or blackmailed; we should be strong as a nation.

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): I hear my hon. Friend loud and clear. We have been very clear that the UK and the EU will have financial obligations to each other that will survive our exit from the EU. The Commission set out the EU position in July, and we have a duty to our taxpayers, as he says, to interrogate that position rigorously, which is what we did line by line in the last round of negotiations.

Mr Speaker: Order. We had not moved on to a new question. We were on the same question, but two different Ministers appeared at the Dispatch Box. The hon. Member for Dover (Charlie Elphicke) should feel very gratified to have a dedicated Minister to attend to his particular inquiry. That is something he can tell his grandchildren in years to come.

Topical Questions

T1. [900714] **Martyn Day** (Linlithgow and East Falkirk) (SNP): If he will make a statement on his departmental responsibilities.

The Secretary of State for Exiting the European Union (Mr David Davis): Since our last Question Time, the Government have made important progress towards delivering the result of the European referendum and grasping the opportunities that Brexit can provide. In the negotiations with our European counterparts, we have found important areas where we agree—on pensions, healthcare and Northern Ireland, for example—and we are now working on those areas where we do not agree. We have provided more clarity by publishing papers on a range of issues. Finally, later today we will debate the repeal Bill, which will give effect to the result of the referendum while providing the legal certainty that will avoid unnecessary disruption. I believe the Bill should command the support of all those who believe in securing a smooth and orderly exit from the European Union.

Martyn Day: Leaving the EU single market and customs union would be an unprecedented act of self-harm to our economy, especially if the UK Government fail to negotiate a trade agreement with the EU. Will the Secretary of State confirm that if he fails to reach a deal within the two-year deadline, the UK will remain a member of the EU under the existing terms?

Mr Davis: No, I will not. The vote of the British people was very clear: they wanted to leave the European Union and take back control, of both borders and laws. That would not be possible if we simply stayed inside the single market under the current terms.

T2. [900715] **Scott Mann** (North Cornwall) (Con): As my right hon. Friend will be aware, EU legislation giving protections to food from particular geographical areas, such as the Cornish pasty, our clotted cream and the Cornish sardine, came into force in 1993. Has his Department had discussions with the Department for Environment, Food and Rural Affairs about similar arrangements carrying on after we leave the EU?

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): I can assure my hon. Friend that the Government fully support the UK's many world-class traditional food products, including those from Cornwall. We recognise the importance of protecting the name and status of high-quality UK food products, such as those currently registered under the protected food name and geographical indications schemes. We are working closely with DEFRA on this important issue. The Government are also engaging directly with producers, actively considering how best to ensure that traditional food products are protected once the UK has left the EU.

T5. [900719] **Andy Slaughter** (Hammersmith) (Lab): Whenever I hear the Secretary of State explaining what will replace our current relationship within the EU, whether he is on the single market, the rights of EU nationals or whatever, it always sounds like a cut-and-paste, second-best, Heath Robinson version of events. I just wonder whether he ever, even for a moment, thinks it is possible he may be mistaken.

Mr David Davis: It would probably be a unique foray at this Dispatch Box for a Minister to admit error, but let me say this to the hon. Gentleman: I said at the beginning that this is a negotiation; it will take time and go in directions that we do not necessarily expect, and there will be give and take in it. That is as close as I can get.

T3. [900717] **Steve Double** (St Austell and Newquay) (Con): Later today, this House will get to debate the European Union (Withdrawal) Bill for the first time, which, as we know is a very important piece of legislation that provides certainty and a smooth exit for this country from the EU. Will the Secretary of State set out for the House, and indeed for the country, what the consequences would be of this Bill not being passed? Does he agree that any Member who seeks to block its passing is not acting in the national interest?

Mr Davis: I am afraid that my hon. Friend is precisely right. The purpose of the Bill is to establish continuity, for several reasons. The first is to provide certainty for business, an issue raised by the hon. Member for Huddersfield (Mr Sheerman). The second is to ensure our ability to carry out a free trade deal which will be unique in the world. The third is to underpin all the rights and privileges that we have promised to our country down the years, including employment rights, consumer rights and environmental rights. All those things are vital in the national interest, so he is exactly right.

T7. [900721] **Nick Thomas-Symonds** (Torfaen) (Lab): How should employers in my constituency that I have visited in recent months today assess the risk of ending up with tariffs or additional regulatory barriers to exporting to the single market when we leave the EU?

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Steve Baker): Those employers should have confidence that it is in everyone's interests, ours and those of all the nations of the European Union, to deliver tariff-free access between our markets. I would say to those employers that they should have a great deal of confidence that we will therefore secure the deal.

T4. [900718] **Mrs Kemi Badenoch** (Saffron Walden) (Con): The purpose of the European Union (Withdrawal) Bill is to provide continuity and a working statute book on the day we leave. Will my right hon. Friend make it absolutely clear that a vote against this Bill is a vote for chaos and for uncertainty?

Mr David Davis: My hon. Friend is exactly right about that, and she allows me to reiterate one other point: all the talk from Opposition Members has been about changing things in this Bill. The Bill is about maintaining continuity; it is about keeping in place the aims and purposes of all the European law that we currently have—and will have the day after we leave.

Mr Pat McFadden (Wolverhampton South East) (Lab): The purpose of any transitional arrangement is, as the Secretary of State said, to avoid a cliff edge, and to give continuity and certainty to the UK economy. But the Chancellor and the Trade Secretary published an article last month saying that during any such period the UK would not be in the single market or the customs union. What is the purpose of a transitional arrangement that undermines the very stability and continuity it is supposed to achieve?

Mr Davis: The right hon. Gentleman makes a good point and I suspect it would have been in his question earlier if he had had the chance to ask it. The simple truth is, as I have said, that we are starting from the aim of maintaining as much continuity as is necessary to anything that might change in the final settlement. So we will do that. Because we are not in the European Union at that point—legally, we will not be—we will not be formally members of the single market and the customs union. We may well seek a customs agreement for that period and a similar arrangement on the single market provisions, but we cannot make that decision ourselves; there is a negotiation to be carried out with the EU.

T6. [900720] **Mr David Jones** (Clwyd West) (Con): Does the Minister agree that the system of secondary legislation contemplated by the Bill that we will be debating later today provides the best and most flexible means of ensuring that the United Kingdom is left with a coherent statute book when we leave the European Union? Does he not also agree that there will be general bemusement in this country that the Opposition are seeking to oppose that Bill?

Mr Baker: May I begin by paying tribute to my right hon. Friend for all the work he has done in the Department? The quality of the work I inherited is a testament to the leadership he provided in the Department. I am most grateful to him. He makes a good point: secondary legislation is a long-standing mechanism for making detailed changes to the law, with the scrutiny procedure for each instrument agreed by Parliament. Since their introduction, every Government have used statutory instruments and every Parliament has debated and approved statutory instruments.

Dr Philippa Whitford (Central Ayrshire) (SNP): The Minister earlier extolled the benefits of the World Trade Organisation should there be a no-deal scenario, but there is no automatic equivalent to the single aviation market or the open skies agreement. What contingency are the Minister and his team making to protect our aviation industry?

Mr Baker: The hon. Lady makes a good point. The Government are well aware of those issues, and we continue to develop our contingency plans not only in those areas, but right across Government.

T8. [900722] **Alex Chalk** (Cheltenham) (Con): Constituents of mine are the bedrock of the success of world-beating companies such as Spirax Sarco. Does my hon. Friend agree that the withdrawal Bill must be the opportunity to cement employee rights, not erode them?

Mr Baker: I do agree with my hon. Friend, and I think we have had a good canter around the issue today. I am grateful to him for giving me the opportunity to once again say that the Government are committed to protecting workers' rights to ensure that they keep pace with the changing labour market and that nothing in the withdrawal Bill will change that.

Several hon. Members *rose*—

Mr Speaker: I am in an indulgent mood. I call Rachael Maskell.

Rachael Maskell (York Central) (Lab/Co-op): Thank you, Mr Speaker. Businesses are in desperate need of confidence. When will the Secretary of State confirm that he will have the transition arrangements in place, because we will leave the European Union in just over 18 months? Businesses are making their plans now and need answers.

Mr David Davis: I would say two things to the hon. Lady: first, we will do that as soon as is feasible within the constraints of the negotiation; and secondly, if she is concerned about business confidence, I say to her that the best way to guarantee stability is to vote for the Bill this afternoon.

Chris Davies (Brecon and Radnorshire) (Con): Many farms in Wales straddle the border with England. Will my hon. Friend outline how he is ensuring that the voice of cross-border communities is not being ignored in discussions over Brexit and devolution?

Mr Robin Walker: My hon. Friend makes a very good point. We would be happy to meet him and his constituents to address this important issue. The Bill sets out a framework that protects common UK frameworks while we have the conversation with the devolved Administrations as to where they are needed. I think that is a sensible approach to protect the interests of farmers and businesses across the UK.

Business of the House

10.33 am

Valerie Vaz (Walsall South) (Lab): Will the Leader of the House please give us the forthcoming business?

The Leader of the House of Commons (Andrea Leadsom): The business for next week will be as follows:

MONDAY 11 SEPTEMBER—Conclusion of the Second Reading of the European Union (Withdrawal) Bill (day 2).

TUESDAY 12 SEPTEMBER—Second Reading of the Finance Bill followed by motions relating to House business.

WEDNESDAY 13 SEPTEMBER—Opposition day (1st allotted day). There will be a debate on an Opposition motion. Subject to be announced.

THURSDAY 14 SEPTEMBER—General debate on abuse and intimidation of candidates and the public during the general election campaign.

FRIDAY 15 SEPTEMBER—The House will not be sitting.

The provisional business for the week commencing 9 October will include:

MONDAY 9 OCTOBER—General debate. Subject to be confirmed.

I am sure the whole House will join me in sending our thoughts and prayers to those caught up in Hurricane Irma, which is causing great damage to many areas of the Caribbean.

Today, the European Union (Withdrawal) Bill will have the first of its two days of Second Reading on the Floor of the House. It is a key piece of legislation that paves the way for an orderly exit from the EU and fulfils the will of the British people.

Finally, Select Committees provide vital scrutiny in this place. I have been working hard to ensure that we establish them as soon as possible, and I am grateful for the co-operation of colleagues from right across the House who have worked quickly to bring forward the names of elected Committee members. I am delighted to draw colleagues' attention to the motion in my name that will ensure that the Select Committees can begin their important work next week.

Valerie Vaz: I thank the Leader of the House for giving us the forthcoming business and for tabling the motion on Select Committees. It has been drawn to my attention that the Chair of the International Development Committee does not appear to be on the list; I hope that will be rectified soon. Her Majesty's Opposition have been ready for the Select Committees to start since July; nevertheless, they will be taking evidence next week, so I thank the Leader of the House for arranging that.

We have had R and R—rest and relaxation—and we have had rock and roll, although I did not get an invitation to Glastonbury. All that is left now is restoration and renewal. Will the Leader of the House please tell us when we are likely to have the debate on restoration and renewal? The House needs to consider the proposals as soon as possible.

Look at what the Government have done to our children who were expelled because they missed out on a few grades. We teach our children that it is okay to fail; that is how we learn from our mistakes, and sometimes that is the spur that leads children to go on to do better

things. We had the bizarre situation of parents having to threaten judicial review just to get their children back into education. May we have a statement from the Secretary of State for Education to make it clear that every child can have an education? Some headteachers do not appear to be abiding by the law.

Will the Leader of the House ask the Chancellor to make a statement on the fiscal rules? It seems that the Ministry of Justice broke Treasury pay rules for civil servants for a six-month period from last October by increasing the overtime pay rate for prison staff by £5 an hour. The Opposition agree with that increase, but I understand that there are Treasury rules. We need a statement on whether or not there are fiscal rules. We could do with that clarity for the NHS, because our nurses need to be paid.

The cherry-picking season is over. Look at what the Government have done to our health service. The Secretary of State for Health picked a fight with Professor Stephen Hawking, who rightly told him to stop the slide towards privatising the health service—a person who can explain a black hole against a Secretary of State who cannot even recognise a financial black hole. The sustainability and transformation plans are the second reorganisation of the NHS under this Government. There is a crisis in social care, £100 million will be spent on recruiting GPs from abroad, and the health service needs a cash boost of £350 million. After the Government's defeat in the House of Lords yesterday on their decision to abandon the 18-week target time for treatment, will the Leader of the House please ensure that the Secretary of State comes to the House to explain this shredding of Government policy, because we have had silence from him? Otherwise, what is the point of the Secretary of State?

There has been more pain and distress for our constituents, as highlighted in last week's United Nations report on people with disabilities. The report said that the UK has failed to ensure that the UN convention on disabled people's rights is reflected in current law. Will the Leader of the House tell us when the Government will respond to the report, which found a persistent employment and pay gap for disabled people?

The Leader of the House mentioned the Brexit Bill; look what the Government have done to the Brexit negotiations. They should have allowed the civil service to use position papers to present the facts. That way, we would not now be seeing the whole thing unravelling. Clauses 7, 8 and 9 of the Bill state:

"A Minister of the Crown may by regulations make such provision as the Minister considers appropriate".

Never before have Ministers been given such unfettered powers. Will the Leader of the House confirm how many statutory instruments will come before the House? Is it likely to be more than 500? Fewer than 1,000? Anyone from any party who believes in parliamentary democracy, the sovereignty of Parliament and the separation of powers should be against the Bill. The Government are playing Jenga with our economy and our rights.

As if that is not enough, the Government want to fix the Standing Committees. They do not have a majority in Parliament, but they want a majority on Standing Committees. Can the Leader of the House confirm that the Government will not insult the British people, who

[Valerie Vaz]

did not give them a majority, and that they will ensure that the result of the election is reflected in the Standing Committees?

I wish to touch on the eminent people who have recently died: our friend in the other place, Lord Garry Hart, who was a leading planning lawyer before he came to the Lords; Michael Siefert, who sent his lawyers to give free legal advice to people during the miners' strike; Cardinal Cormac Murphy-O'Connor, the former Archbishop of Westminster; and of course Heather Heyer, who was mown down in Charlottesville for opposing racism and anti-Semitism.

Finally, I wish to draw the House's attention to a film that is doing the rounds— "Dennis Skinner: Nature of the Beast". What Members will find is that, like the sovereignty of Parliament, the beast of Bolsover will endure.

Mr Speaker: Splendid. The hon. Member for Bolsover (Mr Skinner) is even smiling. Marvellous.

Andrea Leadsom: May I thank the hon. Lady for that tour de force? I must also thank the hon. Member for Bolsover (Mr Skinner), because, in trying very hard to help a potential colleague of mine to unseat him—

Mr Dennis Skinner (Bolsover) (Lab): It didn't work though, did it?

Andrea Leadsom: It was great pleasure to visit Bolsover and to see at first hand what an excellent job he has done over so many years. It is a great pleasure to see him here, but there is always another election. That is the great thing about our democracy—there is always another one.

The hon. Lady has raised a number of broad issues. I will try to deal with them all in turn. First, she caught me slightly unawares when she mentioned a Committee that may be missing from the list on Monday's motion. I am checking that as we speak, but may I assure all colleagues that all of these scrutiny Committees will be established on Monday at the close of business following a decision by the House. Let me be clear that if there has been an omission, it will be rectified. She and I both played a part in last night's farce, where we were running around like idiots trying to sort out the order. I am very grateful to her for her help yesterday.

The hon. Lady talks about education and wanting to hear more about inclusion. May I assure her that this Government are determined to see that every child has a good education? There is much to be proud of: 1.8 million more children are in good and outstanding schools than in 2010. That is really something of which we can be proud. Delivering a good education to every child is vital.

The hon. Lady mentioned the fiscal rules. There are very clear Treasury fiscal rules. She will be aware that, because of the difficulties in certain prisons, there has been some short-term support for prison officers. I am not aware of all the details that she mentioned, but I will certainly take them away and write to her about them.

Stephen Hawking is a very eminent and highly regarded person, but I am afraid that I absolutely agree with the Secretary of State for Health, who said that he is just completely wrong to be talking about privatisation of the NHS. The Government are fully committed to a free health service at the point of delivery, as are all parties across the House.

On the UN inquiry into the rights of persons with disabilities, we are very disappointed that the report does not accurately reflect the evidence that we gave to the UN. The Government are working to improve accessibility, including by improving building regulations and guidance to local authorities, strengthening accessibility requirements for transport and working right across Government services to improve the accessibility of the information that we provide for those with disability.

Very importantly, on the European Union (Withdrawal) Bill, the hon. Lady talks about Henry VIII powers. I want to assure all Members that what the Bill seeks to do is to bring into UK law the entire body of EU law. The point of doing that is to provide continuity and certainty and a smooth transition as we leave the EU. Let me talk about the powers that are used to do that. May I give the example of the Psychoactive Substances Act 2016? We can all understand that Henry VIII powers are used there so that as any new legal high is created, we can update the legislation to ensure that it is then banned to keep people safe. The Bill is about that kind of use of Henry VIII powers, so that we can finally define the terms that are necessary. About half of the legislation in the last Parliament contained Henry VIII powers; there is nothing new or unusual about their use. They are of course always subject to scrutiny, either by a Committee of the Whole House or by Committees as a part of this House.

Finally, I join the hon. Lady in noting the passing of a number of eminent and high-profile people who have contributed a great deal to our communities over many years.

Bob Blackman (Harrow East) (Con): I thank my right hon. Friend for the update on the business. We should also pay tribute to Edward du Cann, the former chairman of the 1922 committee and an eminent Member of this House, who has sadly passed away.

May we have a debate in Government time—I note that there is an opportunity for a general debate when we come back in October—on housing policy? It is the single biggest issue affecting this country right now, and the need to get young people the opportunity to have a home of their own is absolutely crucial. We need a strong debate to get answers from the Government on how this will be implemented in the future.

Andrea Leadsom: My hon. Friend raises a very important point, and I think we all agree that being able to get a home of one's own is crucial for every young person and for everyone in our society. I am pleased to tell him that nearly 900,000 new homes have been delivered since 2010, including nearly 333,000 affordable homes. Annual housing supply in England amounted to 189,000 additional homes between 2015 and 2016, an 11% increase on the previous year. My hon. Friend will know plenty of ways to ensure that the subject is debated in the House, and I am sure that a lot of colleagues will be interested in taking part.

Pete Wishart (Perth and North Perthshire) (SNP): I thank the Leader of the House for announcing the business for next week. It is a pity that the hon. Member for Bolsover (Mr Skinner) has just left the Chamber, because I think that we are looking forward to sequel after sequel of the film—I particularly look forward to “Beast II: The Return”. Let us hope we have many more of these events.

I welcome back all right hon. and hon. Members. Today we have the first day of a two-day debate on the Second Reading of the repeal Bill, as we continue to progress in this clueless, delusional Brexit folly. Two days to debate this unprecedented power grab with all the horrors of these Henry VIII powers. It is almost certain that these two days of debates will be heavily subscribed, with many Members having only a few minutes to put their constituents’ many concerns to the House.

It gets worse than that, Mr Speaker, because according to the programme motion there will be only eight days for the Committee of the whole House to negotiate setting up of a new legal framework for the UK and disentangling ourselves from an institution that we have been a member of for decades, with all the attendant regulations, directives and treaties. To put that in context, there were 41 days for the Maastricht treaty, 25 days for the Lisbon treaty and 39 days on entering the European Union when it was just the Common Market. Eight days for leaving the European Union—it is almost beyond a joke, and the Leader of the House must come back with a sensible programme motion that allows a sensible amount of time for us to debate the thousands of amendments that will surely have been tabled by the time we come back in October.

After your rebuke yesterday, Mr Speaker, and all the faffing around we had in supplying all the names for the Select Committees, one would have thought we would at least have had a motion on the Order Paper today to get the Select Committees up and running. I appreciate that there are a lot of constraints and that we have got the motion for Monday, but that will also mean a lot of pressure on Select Committees wanting to meet next week. What is the difficulty and the problem with all this?

Then we have the thorny issue of the Standing Committees. The shadow Leader of the House is absolutely right: the Government have no reasons to expect to have a majority in the Standing Committees of the House. They do not command a majority. This is a House of minorities, and that parliamentary reality and arithmetic must be reflected in the Standing Committees. Does the Leader of the House understand and appreciate that she is in a minority in the House and that all the Committees must recognise that reality?

Andrea Leadsom: The hon. Gentleman has raised the issue of the programme motion for the European Union (Withdrawal) Bill. What I can say is that it has eight days in Committee, with eight hours protected every day. It is important for hon. Members to appreciate that the Bill will provide a base for the UK’s departure from the EU. There will be a large number of subsequent Bills on new policies, systems and processes that relate to the UK’s departure from the EU, so there will be many opportunities for all colleagues throughout the House to have all their views taken into account. As we

have said time and time again, it is absolutely clear that we want to be a consulting Government, to take into account views right across the House and to provide sufficient time for all colleagues to make their views known.

The hon. Gentleman’s others points about Committees are rather churlish. We have made every effort to establish the Select Committees as soon as we possibly could. They have been established faster than in the previous two Parliaments. It is extremely churlish; what he actually demonstrates is opposition for opposition’s sake. He does not even have the decency to recognise that the House is responding to a genuine request from Select Committee Chairs right across the House to get a move on and do it, and we have done it. He does not have the grace to say thank you or to appreciate that fact. He merely—this is important—wants to oppose for opposition’s sake. That is simply not constructive. It is a great shame that he takes this approach at a time when the House needs to come together to look at what we can agree on, not simply make small and petty points.

Several hon. Members *rose*—

Mr Speaker: I must advise the House that although there is extensive interest, as always, in business questions, there is a ministerial statement to follow. Approximately 60 Members also wish to contribute to the debate on the European Union (Withdrawal) Bill, and I have to take account of their interests. So exceptionally—and colleagues know it would be exceptionally—it may not be possible today to get everybody in. The chances of my doing so will be greatly enhanced if the premium on brevity from Back Benchers and Front Benchers alike is observed.

Wendy Morton (Aldridge-Brownhills) (Con): Over the summer, many of my constituents in Aldridge-Brownhills have once again had to endure the litter, rubbish, antisocial behaviour and noise caused by unauthorised Traveller encampments on public open spaces and village commons. Even our local football club, Walsall Wood, has been affected. I am sure the House understands the upset and frustration this causes. Can we please have a debate in Government time to look at the matter, including at the powers available to councils and police, and—really importantly—the impact on our local communities?

Andrea Leadsom: My hon. Friend raises an important point, which is of great interest to Members throughout the House. I am sorry to hear about the issues she has faced in her constituency. The police and local authorities have a wide range of powers available to address the issue. They can direct trespassers to leave the land, and remove any vehicle and property if there is a suitable pitch available on a caravan site elsewhere. Failure to comply with a police direction is a criminal offence. It is really important that the police and local authorities work together to address the issue.

Ian Mearns (Gateshead) (Lab): I think the phrase that the Leader of the House was looking for earlier was “scalded cats”. In Tyneside, we would say, “scaddled cats”. I note that there are two days of general debates in the business that she announced this morning. One is next Thursday and the other is on the first day back

[*Ian Mearns*]

after the conference recess. As she is aware, the Backbench Business Committee has not yet been established but I, as elected Chair, am already receiving inquiries from Members about the availability of time. Will she ensure that when the Committees are established on Monday, that includes the membership of the Backbench Business Committee? I understand that there are still some vacancies on the Conservative side, but can we ensure that the Committee is established notwithstanding any such vacancies?

Andrea Leadsom: I can assure the hon. Gentleman that I am trying to get every Committee established just as soon as possible. I will look into that specific point and let him know perhaps later in the day.

Dr Julian Lewis (New Forest East) (Con): I thank the Leader of the House and her assiduous Parliamentary Private Secretary for responding so quickly to the requests led by the Chair-elect of the Public Accounts Committee. Indeed, I thank you, Mr Speaker, for your intervention in getting the Select Committees up and running from next week.

May we take advantage of the fact that there is a suspension of the usual arrangements in Northern Ireland to get a statement from the Government once and for all bringing forward a plan for a statute of limitations to protect our veteran servicemen from prosecution for acts that occurred during the troubles—many years ago—that have been investigated many times in the past? It is not right that criminals and terrorists go free while veteran servicemen face the possibility of long terms of imprisonment.

Andrea Leadsom: I am grateful to my right hon. Friend for reflecting particularly on your role, Mr Speaker, in ensuring that we have Select Committees up and running soon. He raises an important point about the statute of limitations. Yesterday, the Prime Minister made it clear that there has been a review of bodies looking at legacy issues, and I am sure my right hon. Friend will take the issue up separately with the Secretary of State for Justice.

Stephen Twigg (Liverpool, West Derby) (Lab/Co-op): I welcome the fact that Select Committees will be appointed on Monday. Further to the previous answer from the Leader of the House, I would be grateful if she could assure the House that the International Development Committee will be added to the list for the vote on Monday so that it can meet for the first time next week.

Andrea Leadsom: The hon. Gentleman raised this point earlier. He is right: there was an administrative oversight in the last-minute running-around, and it will be rectified. I can assure him that his Committee and the Brexit scrutiny Committee will be on the Order Paper for Monday.

Mr Speaker: They might momentarily have been forgotten. The hon. Gentleman has never been, and will never be, forgotten.

Fiona Bruce (Congleton) (Con): May I thank the Leader of the House for taking time out of her busy day yesterday to attend the launch of “A Manifesto to Strengthen Families”, which is supported by 44 Back-Bench

Conservative MPs? It contains 18 practical policy proposals, such as strengthening prisoners’ family ties and promoting greater support for veterans’ families and for fatherhood. Does she agree that this subject has long needed more consideration by Members of this House, and will she meet a small group of those 44 MPs to discuss how more parliamentary debate time can be provided for it?

Andrea Leadsom: I strongly congratulate my hon. Friend on the excellent work that has gone into the families manifesto. It is a very important piece of work. A number of Ministers are very interested in it, and I would be delighted to meet her.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Has the Leader of the House noticed that Huddersfield University has won the prestigious global teaching university of the year award? In a year when Huddersfield has also become a premiership football club and the new Doctor Who comes from Huddersfield, will she congratulate our university and our team on their success?

Andrea Leadsom: I am delighted to congratulate Huddersfield. That sounds like a bit of a hat trick. Carry on!

Antoinette Sandbach (Eddisbury) (Con): May I echo the request of my hon. Friend the Member for Harrow East (Bob Blackman) for a general debate on housing, to deal with the issue of leasehold reform? There are substantial abuses of leaseholders in my constituency and many other constituencies. If that bid fails, I would request that the regeneration of town centres—particularly the town centre of Winsford—be included for debate.

Andrea Leadsom: My hon. Friend raises a point that constituents raise with a number of MPs. It is very important, and I certainly share her desire to see its resolution. I encourage her to seek the opportunity for a debate on it.

Norman Lamb (North Norfolk) (LD): The Leader of the House may be aware of the real anxiety of organisations such as Mencap, which provide vital services for people with learning disabilities, that they face demands for back pay of up to six years following a change of guidance on so-called sleep-in shifts. Many organisations fear that this will push them under, and they need the Government to step in to provide support. There has been a moratorium on enforcement action until 2 October, but with the House not sitting then, will the Leader of the House ensure that the Business Secretary comes to the House to clarify the position and provide reassurance for these organisations?

Andrea Leadsom: I am well aware of the issue the right hon. Gentleman raises, and the Government are looking at it. I will certainly make a point of taking it away and seeking feedback from the Department.

Jeremy Lefroy (Stafford) (Con): In the recess, the Government made a welcome announcement about action to counter the risk posed to aviation by drones. What follow-up will there be so that we can see that action implemented as soon as possible?

Andrea Leadsom: I am grateful to my hon. Friend for that very important question. This is an exciting and innovative new industry, and we are very keen to harness it effectively, but he rightly raises concerns around safety that the Government take equally seriously. He will be aware that registration and testing will be introduced for users of drones of 250 kg and above. Further measures, such as a ban on drones flying at certain distances from airports and at certain heights, are being considered, and we will make further announcements on that in due course.

Mrs Emma Lewell-Buck (South Shields) (Lab): Months ago, a report commissioned by the Government and only released after freedom of information requests found that the Ministry of Justice's own approved methods of restraining children in young offender institutions and secure training centres can actually kill children or leave them disabled. Will the leader of the House ask her colleagues in the Ministry of Justice to make a statement explaining why the Government have continued to preside over this and failed to act on it yet?

Andrea Leadsom: The hon. Lady raises an incredibly important point. It is not something that I am particularly aware of, but if she would like to write to me I will certainly raise it with the Ministry of Justice.

Mr Peter Bone (Wellingborough) (Con): I used to serve on the Joint Committee on Statutory Instruments, which is little known in this House but which looks at statutory instruments to advise on whether they fall within certain criteria. When EU directives came before the Committee, even if they made no sense at all and did not so comply, we still had to recommend to this House that they were passed. Will the Leader of the House confirm that if we are going to use Delegated Legislation Committees to discuss important EU matters, those Committees will, as usual, be open for any Member to attend and speak at, the instruments will be voted on, and, more importantly, will then come to the whole House to be voted on, so that, whatever the Opposition like to believe, there will be proper scrutiny?

Andrea Leadsom: My hon. Friend, as ever, makes a really important point, which is that this House will scrutinise all legislation relating to EU withdrawal and to our future policies post EU in the usual way, and that that democratic oversight will be continued for the duration of this period.

Rachael Maskell (York Central) (Lab/Co-op): Despite serious underfunding and rationing in Vale of York clinical commissioning group and the acute trust, it has been placed in the capped expenditure process. Over the summer, it emerged that this process seems to be changing day by day. May we have a statement from the Secretary of State for Health to say exactly what the process is and to ensure that our health service is properly funded to meet local demand?

Andrea Leadsom: As the hon. Lady will be aware, NHS funding will be over half a trillion pounds from 2015 to 2020, and we have protected and increased health funding. As regards local sustainability and transformation partnerships, where work is under way to change processes locally, there is broad consultation

under reconfiguration tests, where there must be support from clinical commissioners, clinical evidence, patient and public engagement, and support for patient choice.

Will Quince (Colchester) (Con): Colchester's Lib Dem and Labour-run borough council has recently introduced a very unpopular fortnightly black bag scheme that is leaving my residents to deal with rats, other vermin, flies and maggots. It is totally unacceptable. Will my right hon. Friend allow a debate in Government time to discuss local councils ignoring the wishes of residents and failing to address their concerns?

Andrea Leadsom: Speaking as an ex-Secretary of State for the Department for Environment, Food and Rural Affairs, it is interesting how litter is always one of the biggest concerns of everybody in our country. Litter is right up there, and so what happens to it is a vital issue. *[Interruption.]* The hon. Member for City of Chester (Christian Matheson) shouts "Rubbish!", and he is quite right—it is a very important issue. Regular litter collections are incredibly important. I am sure that my hon. Friend will take every chance to raise that with the Department for Communities and Local Government.

Ann Clwyd (Cynon Valley) (Lab): Although I was present to vote in the first vote last night, I was not able to do so because I was locked not in the lavatory but in the lift. Were it not for a Conservative party researcher, I suspect I would still be in the lift. It is very unsatisfactory, in our first week back after the recess, that there are problems with the lifts. Will the Leader of the House ensure that they are serviced? Surely, with all the maintenance men around, they ought to be.

Andrea Leadsom: I am sure, Mr Speaker, that you are as concerned as I am to hear about that. I will certainly look into the matter; I assure the right hon. Lady that I will take it up later today.

Mr Speaker: The situation is extremely irregular, and the right hon. Lady has my sympathies. I hope that she will not take it out of good humour if I say that I am rather surprised that the lift dared.

Mr Philip Hollobone (Kettering) (Con): In August, 15 Gypsy and Traveller motorhomes and caravans invaded the popular open green space at the foot of the Ise Lodge residential estate in Kettering. Rubbish and human faeces were left in the undergrowth; the local convenience store had to employ a security guard; and widespread harassment, alarm and distress were caused to the local settled community. The police refused to use the section 61 powers open to them to request the Travellers to move on. May we have an urgent statement from the Home Office that it will review the powers available to the police so that we can have an effective system to protect the settled community from the intimidation caused by Gypsies and Travellers?

Andrea Leadsom: This is an incredibly important issue that is raised time and time again at business questions and at other times. I know that all Members suffer from the problem of unauthorised Travellers' camps. The reality is that the powers to tackle them do

[*Andrea Leadsom*]

exist, but the police and local authorities need to work together to make sure that they use them, and that they use the enforcement possibilities that are open to them.

Kate Green (Stretford and Urmston) (Lab): May we have a debate on the labour market and labour shortages? Yesterday the all-party group on migration published a report highlighting employers' concerns about so-called low-skilled jobs after Brexit—that they will no longer be able to recruit EU workers to these roles, and that the language stigmatises such roles, which makes it more difficult to recruit UK workers to them. Will the Leader of the House read the all-party group's report and encourage her ministerial colleagues to do so?

Andrea Leadsom: I am always delighted to read all-party group reports, so I am happy to do that. The hon. Lady will be aware that the Home Office will be coming forward with proposals on new immigration rules as we take back control of our borders, and that the Home Secretary has made it very clear that she will ensure that we have the right balance between the excellent work that is done by many EU and other migrant communities in this country, and, at the same time, taking back control of immigration. She will ensure that there is the right balance between what our country needs by way of immigration and fairness to those who already live here.

Robert Jenrick (Newark) (Con): Almost 1,000 of my constituents are Travellers. I know many of them, and they are good people. Their reputation is being destroyed in our community by the action of a small minority, who over the summer have destroyed gravestones, damaged village greens, intimidated residents and damaged businesses. This cannot go on. Nottinghamshire police are highly constrained by the powers available to them and looking to the Government, and to a cross-party agreement, to move things forward. May I echo the comments of other Members from across the House who have called for a debate in Government time about how we can move this issue forward, for the benefit of the whole community, and specifically of the Traveller community whose reputation is at stake?

Andrea Leadsom: My hon. Friend is looking at a different aspect of the matter, namely that legitimate and well-mannered Travellers who take account of local communities are being run down by those who behave appallingly and who cause so much heartache, mess and concern in so many communities. Hearing the mood of the House, I am happy to take the question away and look at whether we can provide time. The hon. Member for Gateshead (Ian Mearns), the Chairman-elect of the Backbench Business Committee, is also hearing this, and he may well be prepared to make time for it in his Committee.

Grahame Morris (Easington) (Lab): Will the Leader of the House give us some Government time to have an urgent debate about the quality of decision making of the Department for Work and Pensions and Atos—or Independent Assessment Services, as it now seems to be known? I have a paraplegic constituent with schizophrenia who was called for a medical. When I raised concerns

with the MP complaints team, I received the stock reply that PIP entitlement is determined by how a disability affects an individual rather than a particular diagnosis. Does the Leader of the House share my concern that the DUP are devoid of compassion and common sense? How many paraplegic schizophrenics does she think would not qualify for enhanced care in the mobility component of PIP?

Andrea Leadsom: I must say that individual members of staff of—I think the hon. Gentleman means—the DWP are actually working incredibly hard, very often in very difficult circumstances. We all have particular constituency cases that we need to pursue with quite a lot of vigour to make sure that constituents can get through a system that is sometimes not sufficiently attuned to their individual needs. I certainly encourage him to talk to Work and Pensions Ministers, who I am sure will be very interested in the case and keen to help him.

Rehman Chishti (Gillingham and Rainham) (Con): As somebody who lost many relatives, including my grandfather, in the Kashmir earthquake, I know the dire consequences of natural disasters. May we have an urgent statement on the Floor of the House about the floods in south Asia? They are affecting 41 million people, have cost 1,200 lives and are affecting our fellow Commonwealth members.

Andrea Leadsom: I thank my hon. Friend for his question, and I am very sorry to hear of his own very sad personal experience. I can tell him that in Nepal the Department for International Development has set aside £400,000 for the Red Cross and the Nepal Red Cross Society for monsoon flood response to help 30,000 people, most of which is earmarked for water, sanitation and hygiene. In Bangladesh, the UK's contribution of £660,000 to the flood response will help over 60,000 people. In India, as the Government have not requested international assistance, DFID's response has been through the Start Fund global consortia of non-governmental organisations, which responds to small and medium-sized emergencies, with a donation of £325,000 for Nepal and £400,000 for India.

Ruth Smeeth (Stoke-on-Trent North) (Lab): At the end of this month, Sneyd Green community centre in my constituency may well be closing its doors, after seven years of attempting to carry out a community asset transfer. Local volunteers, led by John Reynolds, have worked tirelessly, but have simply not received the support they should have received from the local authority. May we have a debate in Government time about what the big society really looks like now, and about what support can be provided to volunteers in such a situation?

Andrea Leadsom: I pay tribute to the excellent work of volunteers. I know that a lot of people work tirelessly as volunteers and find it very frustrating when trying to get such things done. I encourage the hon. Lady to talk to one of the Communities and Local Government Ministers and see whether anything can be done at this late stage to try to help this along. Otherwise, she may wish to apply for an Adjournment debate to get the Minister to respond on the Floor of the House.

Stephen Kerr (Stirling) (Con): Will my right hon. Friend allow time for a debate on the proposals announced yesterday by Babcock DSG to close three of its sites across the UK, including the only military land support repair workshop in Scotland—at Forthside in my Stirling constituency—with the threatened loss of 56 highly-skilled jobs?

Andrea Leadsom: We are always incredibly concerned to hear about the prospect of job losses. My hon. Friend will be aware that there are very strict rules on consultation and about working closely with those affected to ensure that all decisions taken are fair. However, if he wants to write to me specifically about this, I will see whether I can bring it to the attention of the relevant Ministers.

Nic Dakin (Scunthorpe) (Lab): British Steel pensioners are concerned that proposed changes will result in their losing out on the proper uplifting of their pre-1997 service. May we have a statement from the Government on the proposed changes to the British Steel pension scheme and on how they will ensure that pensioners are not short-changed?

Andrea Leadsom: I am happy to take up that matter with the relevant Department on the hon. Gentleman's behalf.

Chris Davies (Brecon and Radnorshire) (Con): During the recess, I visited Abercrave farm and the Dan-yr-Ogof show caves in my constituency, where the owners have installed small-scale hydroelectric schemes. These are outstanding examples, being invisible to the eye in beautiful national park countryside, based on private investment and providing much-needed green energy. May we have a debate on how we can help rather than hinder the development of further hydro schemes around the country?

Andrea Leadsom: I do not think we hinder in any way, but are keen to encourage the development of renewable electricity. It is something that this country has done extremely well at—we are one of the top performers across the EU in terms of the speed at which we are starting to use green electricity—and I would be happy to talk further to my hon. Friend about what measures we can take. Or he might want to arrange an Adjournment debate.

Several hon. Members *rose*—

Mr Speaker: Order. I am afraid that we are now running very short of time, so I am looking for single-short-sentence questions. It is really a matter of good faith. If people want to ask a single-short-sentence question, that is fine, but if they want to include a long preamble, it is better they keep it for the long winter evenings that lie ahead.

Ben Lake (Ceredigion) (PC): May we have a debate in Government time on the impact on higher education institutions of the UK's immigration policy throughout the Brexit process and beyond?

Andrea Leadsom: The hon. Gentleman raises an incredibly important issue that is of great interest to all of us. There will be lots of opportunities over the next

few days, during the debate on the European Union (Withdrawal) Bill, to raise the issue, and later in the year during our discussions on immigration.

Mrs Pauline Latham (Mid Derbyshire) (Con): Big Ben's bongos are silenced. They are loved by the community and international visitors. May we please have a debate about why this has happened? Is it beyond the wit of man for ear defenders to be worn by the workers? *[Interruption.]*

Andrea Leadsom: My hon. Friend will be aware that there are strong views on this matter—she will have heard Opposition Members shouting her down over the prospects of a debate—but my view is that this is an important issue. The House of Commons Commission met last night and agreed to continue with the cessation of the bells for the time being but also to consider alternatives to leaving the bells off.

Vernon Coaker (Gedling) (Lab): May I add my calls to those of other hon. Members for an urgent debate on Travellers? There have been very real problems with them in my own constituency. The legislation is in need of urgent review.

Andrea Leadsom: As I have said to others, I can hear that this is an important matter. There have been big problems over the summer, and I will certainly take this up.

John Stevenson (Carlisle) (Con): The growth in the spirits market, particularly gin, whisky and other spirits, both here and in exports, is important to our economy. Indeed, there is a Lakes distillery now in Cumbria. Will the Leader of the House agree to a debate on the importance of this sector and of reaching a sector deal, and does she agree that such a deal must be UK-wide, not limited to any particular part of the country?

Andrea Leadsom: My hon. Friend raises a valuable point. I travelled around Europe this summer and saw the fantastic UK spirits now available there and the increasing exports. Spirits are an increasingly important UK export, and I would support any efforts he wants to make to ensure we give them the right level of priority.

Christian Matheson (City of Chester) (Lab): Over the next couple of months, the new Mersey crossing will open, and it will be tolled, contrary to promises made by Conservative Ministers. May we have a debate either on the tolls on the new Mersey crossing or, failing that, on why Ministers are so willing to break their promises?

Andrea Leadsom: The Government are guilty of investing a huge amount in infrastructure, particularly transport infrastructure, right across the country. I am not aware of the specific issue the hon. Gentleman raises about broken promises, but if he wants to write to me, I can take it up. I want to reiterate, however, that we are fully committed to improving road and rail transport across the UK, and our record is extremely strong.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): May we have a statement from the Home Secretary on the shocking and sickening revelation on BBC's "Panorama" about Brook House immigration

[Stephen Doughty]

detention centre? It showed the shocking behaviour of G4S staff and how our immigration detention system is not working, with committed criminals who should have been deported being held alongside asylum seekers not convicted of any crime.

Andrea Leadsom: We would all agree the footage was shocking. The hon. Gentleman might well wish to raise the matter at the next Home Office questions.

John Grogan (Keighley) (Lab): Given that the Chancellor has said in Leeds this week that the Government are now willing to consider devolution proposals from 17 Conservative and Labour councils in Yorkshire, is it time for a statement next week on devolution in Yorkshire?

Andrea Leadsom: It is certainly time for the hon. Gentleman to raise this at oral questions, with Ministers separately or through an Adjournment debate.

Jim Shannon (Strangford) (DUP): Awamiyah, a predominantly Shi'a district in Saudi Arabia, has been surrounded by siege barricades since Government attempts to relocate residents in order to redevelop the neighbourhood in May 2017. There are many reports of heavy clashes between Saudi citizens and military forces, and entire blocks have been demolished. Thousands of local citizens have fled—

Mr Speaker: Order. I am sure that the hon. Gentleman has breached his one short sentence. I am waiting for the question mark.

Jim Shannon: Will the Leader of the House agree to a statement or debate on the matter?

Andrea Leadsom: As ever, the hon. Gentleman has raised a very specific and incredibly important issue, and the Foreign Office will certainly examine it closely. I should be happy to raise it on the hon. Gentleman's behalf; alternatively, he can raise it in the usual way through the Foreign Office.

Justin Madders (Ellesmere Port and Neston) (Lab): May I pursue the question asked by my hon. Friend the Member for City of Chester (Christian Matheson)? Many of my constituents tell me that they will have to pay up to £80 a month more just to get to work as a result of the Mersey crossing toll charges. May we have a debate on what the Government will do to prevent them from being penalised by what is, in effect, a jobs tax?

Andrea Leadsom: As I said to the hon. Member for City of Chester, the Government have invested a huge amount in infrastructure. This sounds to me like a question that needs to be put during Transport questions, but if the hon. Gentleman wants to write to me, I can take it up with the Department for Transport on his behalf.

Dr Paul Williams (Stockton South) (Lab): Will the Leader of the House make time for a debate on the viciously successful campaign by the British company

Bell Pottinger to stir up racism in South Africa by working for the corrupt Gupta brothers, who are linked to President Zuma?

Andrea Leadsom: I read about that myself, and on the face of it, it seems very concerning. As the hon. Gentleman knows, Bell Pottinger has been removed from its trade body as a result. He may well wish to raise the matter in an Adjournment debate, or in a question to a Minister.

Albert Owen (Ynys Môn) (Lab): May we have a debate in Government time on bank closures, which are ripping the heart out of communities across the country? In my constituency, the last bank in the northern town of Amlwch has now been closed without consultation. The public want to know why the Government are saying nothing, and why Parliament is not discussing the issue.

Andrea Leadsom: I hope to give the hon. Gentleman a bit of good news about that. There are very clear rules governing how banks can close—there must be broad consultation and assessment—but not enough people know that the Post Office has now agreed with all the major banks to provide basic banking services. Given that post offices are open at weekends and for longer hours, that can often provide a very good alternative.

Martyn Day (Linlithgow and East Falkirk) (SNP): My constituent David Hemphill suffers from myotonic dystrophy, and previously qualified for a mobility allowance of £224 a month. When that was removed in December, he lost his mobility vehicle and was instead given an Access to Work grant for taxis, which costs £560 a month. May we have a statement, or a debate in Government time, about the detrimental costs of such changes to the public purse?

Andrea Leadsom: That does sound like a bizarre decision. The hon. Gentleman will, of course, want to raise the matter directly through one of the MPs' hotlines or with Ministers, and I encourage him to do that.

Kerry McCarthy (Bristol East) (Lab): In June we were told that the much-delayed clean growth plan would be published after the summer recess. Will the Leader of the House ensure that when it is published, there is a parliamentary debate about it?

Andrea Leadsom: As the hon. Lady would expect, in such circumstances there is normally some kind of ministerial statement, either written or oral. Alternatively, she may wish to organise a Back-Bench debate when the plan is published.

Tony Lloyd (Rochdale) (Lab): The question of the shortage of nurses in Rochdale—which reflects the national shortage—was raised with me during the summer. May we have a debate in Government time about how the Government plan to increase nurses' pay, and also to ensure that we are training enough nurses?

Andrea Leadsom: I can tell the hon. Gentleman that the number of nurses on wards is up by nearly 12,000. We are increasing investment in the NHS, increasing the number of training places, and so on. If the hon.

Gentleman wants to raise issues relating specifically to Rochdale, it might be a good idea for him to do so during Health questions.

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): Across Stoke-on-Trent and north Staffordshire, the closure of community care beds is causing great concern to my constituents and those of my neighbours. The decisions were referred to the Secretary of State for Health under the 2013 regulations, but there has been no response. May we have an urgent debate in Government time on the accountability of clinical commissioning groups? Those who spend public money and commission public services should not be outside the realm of public scrutiny.

Andrea Leadsom: I do not think it would be true to say that clinical commissioning groups are not subject to public scrutiny—they most certainly are—but I am sure that if the hon. Gentleman has a particular concern about a CCG, Ministers will respond to it.

Patrick Grady (Glasgow North) (SNP): May we have a debate on the Home Office's shambolic visa system, with case after case throughout the summer of artists and academics, especially from Africa and the middle east, being denied entry to the United Kingdom, affecting festivals, research tours and business? Will a Home Office Minister come to this House and answer the concerns of some of my constituents, who are trying to arrange these visas and are beginning to believe a covert travel ban is in place?

Andrea Leadsom: The hon. Gentleman will be aware that there are millions of visitors to this country every year; the Home Office manages those processes extremely effectively. If he has specific concerns about individuals, he might wish to take that up with Ministers, but there is no sense in which there are any travel bans operating in the United Kingdom, and nor is the system unjust or inefficient.

Paul Flynn (Newport West) (Lab): Drug policies in Holland have delivered a prison crisis in that they do not have enough prisoners to fill their prisons. Drug policies here have created chaos in our prisons and a record number of drug deaths, including psychoactive drug deaths, last year. May we debate which country has got its policies right?

Andrea Leadsom: In the UK we have always been very clear: we do not believe that permission to use drugs is of any benefit whatsoever, and we will continue to make every effort to reduce drug offending and to encourage people to get clean from drugs.

Ian Murray (Edinburgh South) (Lab): May we have a statement from the Government on when they plan to reconvene the Joint Ministerial Committee, so that devolved Administrations can be fully involved and consulted on the Brexit process?

Andrea Leadsom: There is a great deal of consultation going on, as the hon. Gentleman knows, between the devolved Administrations and the Westminster

Government. That will continue, and there will be plenty of opportunities for further consultation in the weeks and months ahead.

Chris Bryant (Rhondda) (Lab): When Tony Newton was Leader of the House in 1995, in a Conservative Government, he accepted that if the Government lost their majority in the House of Commons they should not have a majority in the Committees of this House considering legislation. Why on earth does this Conservative Leader of the House think that this Government are any different? They have no majority in the House; they should have no majority in the Committees.

Andrea Leadsom: The House is speaking through the usual channels about the business of the House and there will be more discussion about that next week. Motions will be on the Order Paper in good time for the House to be able to consider and discuss it.

Gavin Newlands (Paisley and Renfrewshire North) (SNP): During the recess I met with I Am Me Scotland, an inspiring group working to tackle disability hate crime in Renfrewshire and beyond. With 62,000 hate crimes being committed against disabled people each year in the UK, may we have a debate on this most heinous of crimes?

Andrea Leadsom: It is a very important point to make that it is horrible to see any abuse of individuals, particularly those with disabilities, and I absolutely encourage the hon. Gentleman to seek an Adjournment or Westminster Hall debate on that subject.

Andy Slaughter (Hammersmith) (Lab): It was clear from this week's statement on Grenfell that little progress is being made, especially on rehousing residents, so may we have weekly reports to the House until further notice, to concentrate Ministers' minds on this issue?

Andrea Leadsom: I think that is really very unfair: Ministers have been very focused on trying to alleviate the suffering of those victims of Grenfell. The Secretary of State, the Prime Minister and others have come before this House many times to update. What they have not wanted to do is force residents into accommodation that those residents do not wish to take. The offers have been made, and there is a total focus on ensuring we do everything we can for those people.

Alan Brown (Kilmarnock and Loudoun) (SNP): As a Government Minister, the Leader of the House voted to give an additional £16 billion for private renewal and then a £34 billion tax giveaway package for the wealthiest, while maintaining the public sector cap. Will she make a statement explaining why she thinks that is fair and saying whether the UK Government are going to follow the Scotland Government's lead and scrap the cap?

Andrea Leadsom: To be very clear, what we have to do in any Government is have the right balance in priorities for spending. It has to be right for the people who are doing the amazing work they do in our public services, but also right for the taxpayers who have to foot the bill. When we came into office, we had the largest peacetime deficit ever, and in the ensuing years we have been trying to get back to living within our means. The alternative

[*Andrea Leadsom*]

is that we leave the debts for the next generation, and that would be completely unfair. So balance in spending priorities is absolutely key.

Mrs Madeleine Moon (Bridgend) (Lab): In 2015, Wales introduced the opt-out system for organ donation. In the following year, there was a 19% increase in kidney donations. Scotland is about to introduce a similar system. Is it not about time that those awaiting organ donations in England were also given a right to live?

Andrea Leadsom: The hon. Lady raises a really important point, and I am very sympathetic to it. Last year, we saw the highest ever rates of organ donation, but we want that number to rise further so that everyone who needs a transplant has the best chance of receiving one. This is organ donation week, and the campaign is focusing on the importance of people talking about this and telling their family about their wishes. We are committed to continuing with campaigns that raise awareness, but we will also be looking closely at how the situation in Scotland and Wales affects donation rates. I also want to highlight the need to encourage black, Asian and minority ethnic donors, and we are looking at more ways of doing that.

Martin Whitfield (East Lothian) (Lab): Will the Leader of the House comment on the possibility of including topical questions in the devolved nations' questions that fall before Prime Minister's Question Time? We seem to be shortlisted on a number of questions, week in and week out, and we can hold no one to account.

Andrea Leadsom: The hon. Gentleman raises an interesting point, and I am very happy to take it away and discuss it with colleagues.

Nick Smith (Blaenau Gwent) (Lab): May we have a statement on the powers of the Financial Conduct Authority? Its slowness in taking action against sky-high interest rates in the rent-to-own sector has left hard-up families paying through the nose for cookers and for cots.

Andrea Leadsom: It is incredibly important that financial conduct is carried out meticulously, and the regulator has strong powers to ensure that people behave appropriately. There are all sorts of issues around financial conduct at all times, and I think the FCA does a good job, but if the hon. Gentleman wants to raise a particular issue, I recommend that he tries to arrange a Westminster Hall debate on that specific point.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): Two years on from the Syrian boy being washed up on a beach in the Mediterranean, there is still a crisis affecting children in Europe. May we have an urgent debate on what can be done to speed up the process of reuniting the child refugees who are sleeping rough in Calais with their families in Britain?

Andrea Leadsom: The situation for children is incredibly harrowing. This country has made huge strides in trying to reunite refugee children with their families, with relatives and with other people in the United Kingdom. We continue to be one of the most generous donors in trying to establish safe havens for children closer to home, to avoid their getting into the hands of people traffickers, making appalling journeys and losing relatives on the way. There is always more to be done, and the hon. Gentleman might well want to arrange for an Adjournment debate on that subject.

Hurricane Irma

11.33 am

The Minister for Europe and the Americas (Sir Alan Duncan): I am grateful to you, Mr Speaker, for this opportunity to make a statement on Hurricane Irma, which is already affecting and is set further to affect Caribbean islands and the south-east United States with devastating effect. Much as I appreciate the wish of the House to move on to the Second Reading of the European Union (Withdrawal) Bill, I am sure everyone appreciates the importance of informing the House about the latest position on this unfolding catastrophe.

As with any hurricane, one can never be sure of its ultimate effect until the extent and location of its inevitable damage has become clear. However, its predicted force has put everyone on the highest state of alert and preparedness, to which end the Foreign Office crisis centre and Department for International Development planning were all put on to the highest state of readiness over two days ago. The FCO crisis centre has two important functions: one is to organise the fullest possible consular assistance to UK citizens abroad; the other is to monitor the path of the hurricane and co-ordinate every conceivable UK response, in particular to those British territories affected.

Hurricane Irma, having reached category 5—the highest possible category—hit three British overseas territories yesterday: Anguilla, Montserrat and the British Virgin Islands. Today, we expect the hurricane to affect a further UK territory: the Turks and Caicos Islands. The hurricane yesterday also caused damage in the independent Commonwealth countries of Antigua and Barbuda and St Kitts and Nevis, and we expect it to affect the Dominican Republic, Haiti and the Bahamas today. It will most likely affect Cuba and south-eastern Florida tomorrow. The hurricane is heading westwards and remains strong. We have an initial assessment of the severity of the damage it has caused. I will outline for the House what we know so far. Montserrat was swiped by the hurricane yesterday, but our initial assessment is relatively positive. Fortunately, the damage is not as severe as first thought. In contrast, however, Anguilla received the hurricane's full blast. The initial assessment is that the damage has been severe and, in places, critical. We expect further reports to make clear the full nature of the devastation, and Anguilla's port and airport remain closed. The British Virgin Islands were also not spared the hurricane's full force when it passed through yesterday morning. Our initial assessment is of severe damage. We expect that the islands will need extensive humanitarian assistance, which we will of course provide.

The hurricane is expected to hit another British overseas territory later today. The Turks and Caicos Islands lie in the hurricane's predicted path, and officials in London and in the territories are working intensively on disaster preparedness. They are also liaising with their counterparts in the Cayman Islands for assistance. The French and Dutch territories on Guadeloupe and St Martin have also been hit. The initial assessments are of widespread damage, but the more detailed assessment continues. No British nationals have yet contacted us to ask for assistance from these islands. Two Commonwealth realms were affected by hurricane Irma yesterday. Antigua and

Barbuda's less populated island, Barbuda, was most severely affected. Antigua, and St Kitts and Nevis were less badly affected than many had feared, with only minor damage. We expect that the hurricane will affect the Dominican Republic and Haiti today. It will sweep on through the south-east of the Bahamas later, and tomorrow is predicted to hit Cuba and southern Florida.

Officials in London and the territories have been working throughout the day and night to assess and quantify the needs of our territories, and to co-ordinate a cross-Government response. Officials in London are maintaining contact—although sometimes difficult—with our Governors' offices in the territories. The Governors' teams are themselves working closely with the territories' Governments to respond to the crisis. The Royal Naval ship Royal Fleet Auxiliary *Mounts Bay* is already in the Caribbean and should reach the affected territories later today. The ship carries Royal Marines and Army engineers, and her primary task is the protection of our overseas territories. She is loaded with a range of equipment, vehicles, tents, stores and hydraulic vehicles specifically intended to respond to such disasters. In addition, DFID stands ready to charter flights to deliver additional supplies as appropriate.

I spoke last night to the London representatives of the British Virgin Islands. I was in our crisis centre yesterday afternoon and last night and have been based there this morning. At 8.45 pm last night, the Foreign Secretary spoke to Anguilla's Chief Minister Victor Banks. The Foreign Secretary also tried but was unable to contact the Premier of the British Virgin Islands, but Lord Ahmad has been in contact with the Governor this morning. We will be working in support of the overseas territories' Governments to develop the best possible assessment of their immediate and longer-term needs. To that end, my right hon. Friend the Secretary of State for Defence will chair a meeting of COBRA at 2 o'clock this afternoon. Our priority is to support the territories' Governments in meeting their immediate humanitarian and security needs, including shelter, water and accommodation. We have four UK Aid humanitarian experts in the region who are helping to co-ordinate the response. We will assess, with the territories' Governments, their long-term reconstruction requirements, as we have done in the past.

As the House will appreciate, the relationship between overseas territories and their parent countries differs. While French territories are directly governed, that is not the case with our overseas territories. While that means that our responses will, of course, be different, we will seek to achieve the same objectives and are taking immediate steps to do so.

The Prime Minister called President Macron this morning to discuss our respective responses to Hurricane Irma. They agreed that the devastation the hurricane has wreaked is terrible, with unconfirmed reports emerging of a number of fatalities. The Prime Minister updated the French President on our response, noting that DFID humanitarian advisers have already deployed to the region to conduct damage assessments and provide humanitarian support, and that RFA *Mounts Bay* is already near the area. They agreed to co-operate closely, including with the Dutch, to understand the extent of the damage and to co-ordinate our relief efforts.

We will all do our utmost to help those affected, and I undertake to keep the House updated as required.

11.40 am

Liz McInnes (Heywood and Middleton) (Lab): I thank the Minister for his statement and for allowing me to see it in advance. I start by associating myself with his remarks in sending the House's deepest sympathies to the people whose lives and livelihoods have been lost to the devastation caused by Hurricane Irma.

Many thousands of British tourists visit the Caribbean every year for their holidays. What is the Government's estimate of the number of UK nationals currently in the countries that have been hit by Hurricane Irma, or that are likely to be affected in the coming days? What requests for consular assistance has the Foreign Office received from British nationals in the countries affected? What assistance are the Government ready to provide in response to such requests? What efforts are the Government making to communicate with British nationals across the region to make sure that they know what help is available to them?

Of course, holidaymakers are by no means the only people who will have been affected: the damage for those who live in the region will be both profound and lasting, particularly because of the effect on the tourism industry. Many of those people may also be British, given the number of UK overseas territories in the Caribbean.

The Minister has given us the Government's initial assessment of the impact of Hurricane Irma on overseas territories such as Anguilla, Montserrat, Turks and Caicos and the British Virgin Islands, but what discussions has he had, or does he intend to have, with the Governments of those territories about the effects of the hurricane? And what discussions has he had with the Governments of countries such as Antigua and Barbuda that have also been affected? What efforts are the Government making to work with the authorities in those areas on their reconstruction plans? What reassurances can he give that the UK stands ready to provide not only the immediate humanitarian and security relief that is needed so urgently but a sustained commitment to reconstruction, which will be so important in the longer term?

Finally, I am sure the Minister will commit to providing regular updates to the House on the progress of reconstruction efforts, and particularly on the steps the Government are taking to assist with those efforts. I am also confident that the Government will update the House following the Cobra meeting this afternoon.

Sir Alan Duncan: I am grateful to the hon. Lady both for what she said and for the tone in which she said it, because the House will want to send a united message of concern. We all just want to do the very best for those who, in many cases, have been devastated by the ferocity of this hurricane.

Of course, many tourists will have left because there was some notice that this hurricane was likely to come, and this is not peak tourist season. We have not yet had any direct individual requests for consular assistance, but we all have concern that, beneath the rubble, there will be cases that require our urgent personal response.

Our focus, of course, is not just on tourists; it is on everybody. We have complete overall concern, particularly for our overseas territories that are affected, and to that end we have £12 million immediately available through our rapid response mechanism for disaster relief and

recovery. The Secretary of State for International Development is here with me, and her Department, like the Foreign Office, is on full alert and is doing its utmost. The Department has a great wealth of expertise to deploy, and I speak not only as a Foreign Minister but as a former DFID Minister. In the long-term, we will of course always meet our full legal obligations under the International Development Act 2002 to our overseas territories. I assure the House that we are pulling out all the stops to make sure that we do our utmost to provide urgent assistance, once we, using the professionalism DFID has, have carried out the assessment to make sure we know who is in greatest need. We can then use our adeptness and flexibility urgently to address those who most need our help.

Crispin Blunt (Reigate) (Con): I thank my right hon. Friend for his statement, for the comprehensive nature of the response we appear to be preparing and for the undertaking that we will provide all necessary immediate humanitarian assistance. I welcome the fact that he has spoken to the London representatives of the BVI. Will he confirm that he will be happy to act as the personal contact of the London representative of the Government of Anguilla, too, so that she can keep him personally updated? For the longer term, there is some anxiety that the overseas territory of Anguilla does not receive direct aid from DFID; it receives it only indirectly through the European Union. May I take it that the welcome notification about the £12 million will mean that we are equally as committed to the long-term recovery and reconstruction of Anguilla as we are to meeting the immediate humanitarian need?

Sir Alan Duncan: First, let me say that we are endeavouring to contact everybody, although this is difficult in some cases. There is always a distinction between DFID funding that is Official Development Assistance-eligible and that which is not, but we will make all the assessments we possibly can, in order to give the help that we would like to give wherever we find that the need is severe. We will, as my hon. Friend requests, focus on all the help, and we have dealt with many hurricanes and typhoons in the region before. Indeed, four years ago, as the Minister, I gave some assistance to St Lucia and St Vincent, which had had all their bridges swept away. It was because we had the professionalism required to assess the damage that we knew how best to respond to it. Our response is flexible, which again reflects DFID's professional competence.

Chris Law (Dundee West) (SNP): I, too, am grateful for advance sight of today's statement. There is no doubt that the devastation across the Caribbean is both grave and a tragedy. Naturally, our thoughts and wishes go out to all those waiting to find out whether or not they are in the path of Hurricane Irma—those in the Dominican Republic, Haiti, the Bahamas and Florida; and to those who have already been hit in the Virgin Islands, Anguilla, Puerto Rico and St Martin, which we hear is “almost destroyed” and in Barbuda, whose Prime Minister says that the island is “totally demolished” and “nearly uninhabitable”. We encourage the Minister to send as much urgent aid as possible to them.

The upgrading to hurricanes of storms Jose and Katia, making it three in the Caribbean basin, is terrifying. The prospect of Jose hitting locales we have already

seen hit, amid the devastation, is unthinkable. The world is witnessing the increased prevalence of hurricanes. In the past three years alone, Texas has had three 100-year to 500-year events, leading to warnings that this is the “new normal”. We are seeing the major impact of climate change, and we must step up actions on this at the highest priority. Gaston Browne, the Prime Minister of Barbuda and the larger, neighbouring island of Antigua, told the BBC’s “Today” programme:

“The science is clear. Climate change is real, in the Caribbean we are living with the consequences of climate change. It is unfortunate that there are some who see it differently.”

Will the Government express our solidarity and sympathies with the communities affected, especially those on the devastated island of Barbuda, through communication with their Prime Minister? What efforts have the Government made to note how many UK nationals have been caught up in the path of this devastating hurricane?

Finally, as part of the UK’s much-vaunted “special relationship” with the United States, what pressure are the UK Government putting on Donald Trump to change his stance on the Paris climate change agreement, and to be part of the solution and not the problem?

Sir Alan Duncan: I of course hear what the hon. Gentleman says about climate change. There is no doubt that many parts of the world are facing a greater incidence of severe weather, but I hope he will allow me to confine myself to the urgent nature of our response to people in desperate need, rather than engage today in a debate on the broader issues. Our priority is primarily the overseas territories, but it is not confined to them. Thus, we will be focusing in the first instance on the British Virgin Islands, Anguilla and, by the look of it, the Turks and Caicos Islands. That is why the crisis centres in the Foreign Office and the Department for International Development are working joined at the hip to ensure that our response is as effective and as rapid as possible.

Wendy Morton (Aldridge-Brownhills) (Con): I would like to add my thanks to the Minister for coming to give a statement to the House today. Clearly this is a very devastating but unfolding situation. Can he reassure us that he will continue to keep us updated on the work and progress of his Department and those involved?

Sir Alan Duncan: I am happy to give that assurance. I can tell the House that in my experience these things come in phases. We have to start with the urgent cases of injury and homelessness and the need for food and water. Then there is the very important process of the follow-up to ensure that issues of infrastructure and reconstruction are properly planned for and delivered.

Toby Perkins (Chesterfield) (Lab): I spoke a few moments ago to Kennedy Hodge, an Anguillan student who has arrived just today in Chesterfield. He laid out the scale of the devastation in Anguilla, which is quite unlike anything they have seen before. The Minister was at pains to explain the difference between our relationship with our overseas territories and that of the French Government with theirs, but if he is to make good on achieving the same objectives that the French have set out, he will know that we need a great deal more

resource. The French Government have put a lot more into St Martin than we have into Anguilla. Will the Minister lay out the resources we will be able to provide not only militarily to deal with the immediate humanitarian catastrophe, but to support the Anguillan Government with the help they will need with schools, hospitals, the airport, the prisons and all the devastated infrastructure? They will need that support to get back on their feet.

Sir Alan Duncan: I quite understand what the hon. Gentleman is saying in respect of Anguilla, because there have been some comments in the media comparing our response with that of the French, but I very much hope I can give him and the House genuine reassurance. We are very well practised in emergency response. We place a Royal Fleet Auxiliary vessel in the area almost every year—I think it is every year—in anticipation of hurricane risk. In this case, the hurricane has been extraordinarily severe, but the advantage of having the Royal Fleet Auxiliary vessel is that we do not trap response resources in a country or on an island when they might be more importantly needed on a neighbouring island.

The Royal Fleet Auxiliary vessel has flexibility. It has the ability to make and deliver water. It has bulldozers and a helicopter. Crucially, we may have resources on an island and the roads get blocked, but if we have a Royal Fleet Auxiliary vessel with a chopper, we can get to the people in need very quickly. The Royal Fleet Auxiliary vessel is a fantastic resource of which we should be very proud. It has marines, military engineers, resources, food and supplies, and it can deploy flexibly according to the urgency and need caused by the devastating path of a hurricane, because we never know where the need is greatest until the hurricane has happened. I say again that we can supplement the initial urgent response with other relief flights provided by DFID out of the disaster relief funding we have. Over time, the House will see that our response proved effective and good for the people we are there to look after.

James Duddridge (Rochford and Southend East) (Con): My thoughts go out to people such as Victor Banks, Orlando Smith and Don Romeo, whom I worked closely with and have been trying to contact. Does this immediate crisis not highlight a conundrum? While the overseas territories have preferential treatment and first call on the DFID budget, the nature of middle-income status does not recognise the real environmental risks that small island states have. How can the Minister leverage his time at DFID and the Foreign Office to ensure that that little conundrum can perhaps be solved under his time and service?

Sir Alan Duncan: May I first acknowledge my hon. Friend’s service as a Foreign Office Minister? He has great knowledge of this field. He is really asking me to dissect and explain, or even give an intellectual thesis on, what one might call the “ODA conundrum”, in which some cases qualify for overseas development assistance funding but not others. When it comes to hurricanes and typhoons, the argument may well be, “We wish you had spent money in advance,” and so on. I am sure that greater thought will be given to the issue, but DFID will do its utmost with the resources it has to address need wherever it is able to do so.

Jo Swinson (East Dunbartonshire) (LD): A Massachusetts Institute of Technology professor states that had Hurricane Harvey happened 20 years ago, it would have been a “1-in-2,000-year event”. We now have Irma, with a new trail of devastation and loss of life, as well as appalling deadly floods in south Asia. Helping those in danger rightly has to be the immediate priority, but will the Minister engage with the wider question of what the Government are doing to get global climate change action back on track? It is vital and urgent that we do, and we are currently failing.

Sir Alan Duncan: That priority cuts across the Government. Our main focus today is on emergency relief, but preparedness for severe weather incidents is part of many DFID programmes, to ensure that flooding is reduced, buildings are solid and infrastructure holds up. The kind of the advanced work to which the hon. Lady implicitly refers is deeply entrenched in many of the programmes around the world on which DFID spends its money.

Ms Nusrat Ghani (Wealden) (Con): I welcome the Minister’s statement. The Foreign Office crisis centre and DFID have done us proud by springing into action, and I welcome the £12 million fund that my right hon. Friend mentioned earlier. However, the devastation caused by Hurricane Irma will be exacerbated by another storm: Hurricane Jose. Has the Minister had the time to take into account the extra damage that Hurricane Jose could cause and what that might mean for any relief efforts in the region?

Sir Alan Duncan: I have been concentrating very much on Irma, but I shall go immediately and find out what I ought to know about Jose. The serious point is that the Government wanted to come to the House at the earliest possible opportunity to let the House know what we know and to share, openly and transparently, a clear picture of what we had prepared and what we wish to do. As I said earlier, I am sure we will update the House in due course, or as appropriate, to explain what we have done subsequently.

Ann Clwyd (Cynon Valley) (Lab): First, I was involved in getting aid to Montserrat in the past; will the Minister explain further what damage the hurricane has done to the island? He said it was swiped by the hurricane, but I do not know what that means. Secondly, there was an interesting BBC science programme last night on preparing to go to Mars, with scientists in the United States seemingly well advanced in the process. If we are preparing to go to Mars, why can we not predict hurricanes much earlier? The Minister may not be able to answer that question, but it is an interesting one.

Sir Alan Duncan: The right hon. Lady will forgive me if I focus more on Montserrat than on Mars. I am very familiar with Montserrat, which of course had its own problem with the volcanic eruption many years ago. The damage assessment we have is that fortunately Montserrat has not been severely hit. The hurricane passed over and did not cause the widespread disruption and demolition that at first we feared.

John Stevenson (Carlisle) (Con): Our attention is currently on those countries affected by the hurricane, and it is right that the Government’s focus should be

on them. However, back in 2015, Storm Desmond initially had a great impact on America before subsequently having a huge impact on this country, particularly affecting the lives of many people in Carlisle and Cumbria. Will the Minister confirm that, although his priority is clearly the countries in the Caribbean, other parts of the Government will ensure that this country is prepared for the potential fallout from such hurricanes and future ones?

Sir Alan Duncan: Yes, I would like to think that, as a sophisticated first-world country, we do as a matter of fact always have contingency plans—plans for a civil response of that sort. I am sure that the answer to my hon. Friend’s question is yes. As regards a specific backlash from this hurricane, I am sure that the scientists will be working on it very energetically already.

Chris Bryant (Rhondda) (Lab): Our heart goes out to all those who have been affected. Some of the very poorest people will be those who have lost absolutely everything in this, as so often happens. The rich will be able to rebuild their mansions, but the poor will not. The Minister is right to focus on the immediate issues, but if we are to build resilience—there will be another incident like this—do the British Virgin Islands and Turks and Caicos not need to have a broader tax base in the end?

Sir Alan Duncan: As a Minister in the Department for International Development, I focused in great detail on the Turks and Caicos Islands, which was pretty well bankrupt and its deficit was growing. So, yes, part of the set of conditions that we set down for them for restoring their finances was to improve their tax base. I can point to a very positive record of this Government, answering exactly the question that the hon. Gentleman has asked. Implicit in his question is that, if we are to reconstruct a devastated island, we must ensure that it builds things that will withstand hurricanes in the future. If we have rivers that will not flood, riverbanks that have gabion baskets to make sure that they can contain the water and houses that can withstand a greater ferocity of wind, then out of this disaster can come an opportunity for better resilience in the future.

Mr Philip Hollobone (Kettering) (Con): I commend my right hon. Friend for his statement, which, in its comprehensiveness and succinctness, was a model that other Ministers would be well advised to follow. In relation to his last point, we have an absolute duty to protect our overseas realms and territories from environmental disasters. Is there a plan to hurricane-proof as much as possible key infrastructure in these realms and territories?

Sir Alan Duncan: I like to think that being short and precise is my hallmark.

Across many of DFID’s programmes around the world—for example, ones in Bangladesh, which suffers from flooding—building in resilience is a crucial part of its entire philosophy. In as much as that can also be incorporated into a country’s planning, it must be both welcomed and encouraged. I must point out to the House that we do not govern those countries, but we

can encourage them to govern themselves in a way that introduces exactly the sort of standards that my hon. Friend has described.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): I have been shocked to see the absolute devastation in places that I have personally visited. Having been through a hurricane and a tornado myself, I know just what a frightening and unpleasant experience it can be. It is absolutely shocking, and our thoughts and prayers are with all those people. I welcome very much what the Minister has had to say, particularly about RFA Mounts Bay and the facilities that it can provide. Will he look at the possibility of a second RFA vessel going into the region one or two weeks later with necessary infrastructure supplies and relief efforts, particularly if there is further devastation in the Turks and Caicos? Are our search and rescue personnel on standby to provide assistance? They do an excellent job in these crises. Have they been used yet?

Sir Alan Duncan: On search and rescue, the answer is, yes, those personnel will be deployed. The Cobra meeting at 2 o'clock this afternoon will discuss all those options. Sitting in the crisis centre this morning, looking at the auxiliary vessel going, I can say that one of its great advantages is that it has a helicopter. One issue that we are looking at very urgently is trying to get a second helicopter. Then we will consider supplementary relief flights and possibly a second naval vessel—I am not committing to that now. In the hope that we might be able to do that when we look at the disaster and assess it, then, hopefully, the answer to the hon. Gentleman's question will be yes. We must appreciate that this is a massive, perhaps unprecedented, natural disaster. We have not seen a hurricane on this scale in our lifetime, so we will have to assess the damage and respond as best we possibly can, knowing that this is—as I would put it—a whopper.

Bob Blackman (Harrow East) (Con): I thank my right hon. Friend for his statement and the commitment made by the Government to help those who are suffering. Clearly, in advance of the hurricane the United States ordered the complete evacuation of Key West. That was not practical on many of the islands that have been devastated, but has there been any request, for example, for Barbuda to be completely evacuated given that reports suggest that it is uninhabitable?

Sir Alan Duncan: We are not in power to demand the evacuation of countries that are self-governing, Mr Deputy Speaker—[*Interruption*]*—*but we do our best to ensure that they are fully informed, and modern science does help inform people. People have had greater prior notice of the danger than they would have had even two decades ago.

Caroline Lucas (Brighton, Pavilion) (Green): I welcome the Minister's commitment to immediate relief, but, with respect, I think that today is precisely the day on which we need to talk about those broader causes. As we have just heard, Gaston Browne, the leader of Antigua and Barbuda, is talking about climate change today. Will the Minister reassure the House that we will not have to wait for a hurricane to hit the UK before we have the policies we need from this Government to

tackle climate breakdown? Without that, we will not see the climate leadership that his Government like to claim in theory being shown in practice.

Sir Alan Duncan: First, Mr Speaker, I apologise for demoting you—you miraculously reappeared in the Chair and I did not see you out of the corner of my eye.

I think that the hon. Lady has deeply misjudged the tone of the House today. We are seeing people in deep and urgent immediate need and we are also leading the world on climate change. She ought to show a bit more urgent and immediate humanity, rather than making the point that she has made today.

Rehman Chishti (Gillingham and Rainham) (Con): I welcome the Minister's statement. On rescue and relief, the Minister says that Royal Navy ships are en route and will reach the area later today. The United States has carriers there already, as well as choppers and field hospitals. Are we in touch with the US to ensure that we have a joint operation, so that all that can be done is done at this difficult time?

Sir Alan Duncan: One of the positive elements of such a grave international phenomenon is that countries do their utmost to work together. We are working with France and the Dutch, and I have no doubt that there will be close co-ordination with the Americans, but they will of course be primarily focused on Florida. I hope that where one country can help another, they will all do so, and I am sure that there will be such incidents in the days ahead.

Chris Elmore (Ogmore) (Lab): I appreciate the speed with which the Minister has come to the House to update us on what is happening. In his statement, he talked briefly about Haiti, and all reports say that the storm will be travelling there, so what will the Foreign Office and DFID be doing to improve relief for Haiti as and when the storm hits? He will appreciate, as will the Secretary of State, that Haiti has had multiple disasters over a number of years with difficult terrain, so what is he doing to address that?

Sir Alan Duncan: This is such an enormous hurricane, which is hitting so many islands and so much landmass, that there will need to be a massive and comprehensive response. We have deep and extensive experience of going into Haiti following hurricanes in the past, but I say again that our first priority will be to protect and assist British overseas territories.

Michael Tomlinson (Mid Dorset and North Poole) (Con): I, too, welcome the Minister's statement and, in particular, his commitment to keep the House updated. May I invite him once again publicly to thank all those working at the FCO crisis centre? He has seen their work first hand, but so often it goes unseen, particularly their important work in communications and ensuring that British citizens are safe—or as safe as possible—when they are abroad.

Sir Alan Duncan: I particularly appreciate what my hon. Friend has just said, and it applies equally to DFID, where officials have been working throughout the night. As I say, I was at the crisis centre yesterday afternoon, at about half-past 8 last night and again

[*Sir Alan Duncan*]

early this morning. They have been manning this round the clock, and they are constantly in touch with the overseas territories and other political groupings to ensure that we can be as co-ordinated as we possibly can. I publicly thank them all, and I am sure that everyone in this House would do so, too.

Kerry McCarthy (Bristol East) (Lab): I absolutely appreciate the importance of the immediate humanitarian effort and hope that at the Cobra meeting this afternoon the Government will consider the possible impact of Hurricane Jose, as the reports we are receiving are quite alarming. May I also urge Ministers to consider seriously the issue of climate risk insurance in future? I know that there were efforts to move this forward at the G20 and it does need to be on the political agenda.

Sir Alan Duncan: Yes, I can give a positive answer. This is a positive and ongoing policy stream within DFID. The UK and DFID are in the lead on this across the world, so I can confidently reassure the hon. Lady.

Nigel Huddleston (Mid Worcestershire) (Con): The hurricane has been devastating but the islands will recover. Past experience tells us that they often recover well before they are perceived to have recovered. Will we therefore help to provide assistance in communicating that fact and promoting the islands once they are in a position to communicate that they are open for business again?

Sir Alan Duncan: Well, let me do my bit now by saying that I hope people will still plan to go on holiday to all the islands, which will be pieced back together again. The worst thing that could happen to them is that they face a long-term economic cost because people turn their back on them. I urge everyone not to turn their back on the islands but to think positively of going there to get some sunshine and to share in the recovery.

Jim Shannon (Strangford) (DUP): I am greatly encouraged by the Minister's comprehensive and substantial response. He has set an example for other Departments and offices to follow; I am sure they will try to emulate his efforts. What support is available for British nationals on holiday in the path of Hurricane Irma? There are more hurricanes on the way so, of course, they are concerned. Some of my constituents are in rented accommodation in the region now. What discussions have taken place with the embassy to get safety advice to people in those places?

Sir Alan Duncan: The advice is very clear from the public media. There is also travel advice on the Foreign Office website. We have not yet had any direct requests for consular assistance, but our crisis centre is there on full alert to ensure that we can respond to maximum effect if we do receive such requests.

Points of Order

12.11 pm

Sir Edward Leigh (Gainsborough) (Con): On a point of order, Mr Speaker. I understand that a huge number of people have put in to speak today and on Monday. Hurricane Irma is a tragic and deadly event, but it is not heading towards our shores as Wind Brexit is. Whether that wind is just a gentle touch on the cheeks or a storm will depend on our efforts here. I urge the Government to try to desist from bringing statements to the House on Monday, so we can hear from a record number of Back Benchers. Indeed, I urge them to be generous with the House of Commons both in information and in time on every occasion.

Mr Speaker: I agree with that view. It is one that I have articulated to the Government Chief Whip, and one to which I understood and understand he is sympathetic. For my own part—trying to be helpful—I can say that, notwithstanding my enthusiasm to serve the House in granting urgent questions where appropriate, colleagues will understand that the bar for urgent questions on Monday will be very high.

Mr Kenneth Clarke (Rushcliffe) (Con): Further to that point of order, Mr Speaker. Has the Chief Whip explained to you if there is any reason why we are not suspending the 5 o'clock rule this evening? There is no chance of any Division taking place on the first day of a two-day debate. It really is rather absurd that Members are told to confine their remarks to three minutes or some equivalent when we are discussing such enormous issues of such long-term significance.

Mr Speaker: An explanation has been offered to me on that point. I am sympathetic to what the right hon. and learned Gentleman has said and I hope that account will be taken of it, not least in relation to Monday. Although I know that the right hon. and learned Gentleman speaks in support of the rights of all his colleagues, I hope he is at least moderately mollified to know that there is no question of the right hon. and learned Gentleman today—or probably in a speech at any other time—being confined by the Chair to a mere three minutes.

Chuka Umunna (Streatham) (Lab): On a point of order, Mr Speaker. I was wondering whether you could give your views and advice with regard to the matter of Big Ben. Many tears have been shed across both sides of the House at the silencing of the bongs of Big Ben, but the issue I raise is much more serious than that.

The construction company that has been awarded the pre-construction and scaffolding contract for Big Ben is Sir Robert McAlpine. We understand that it has been awarded the main contract to fix the bongs and do the refit of Big Ben. We had a debate about blacklisting earlier this week in Westminster Hall. Sir Robert McAlpine was one of the firms that founded the Consulting Association, which was responsible for the blacklisting of more than 3,000 construction workers, depriving them of a livelihood and facilitating their systematic discrimination and victimisation.

Mr Speaker, what message do you think it sends to the victims of this gross injustice for this House to award a contract to a firm that not only funded the Consulting Association, but provided its first chair and

another chair? I would also be interested to know to what extent this decision is made by the House and to what extent it is made by the Government. I note that the Prime Minister is in her place. I think many people would want to hear from her on this matter.

Mr Speaker: I thank the hon. Gentleman for his point of order. The House will not want a dilation on the matter. Suffice it to say that an initial contract was awarded. As I understand it, the contract for the main works has yet to be awarded. Nevertheless, I take head-on what the hon. Gentleman perfectly legitimately and reasonably puts to me. The House of Commons Commission considered this issue yesterday, and we are seeking reassurance from the company, not least in the light of the facts that the hon. Gentleman has just articulated and in the light of his remarks in the Westminster Hall debate yesterday, which colleagues and I have studied.

As I believe the hon. Gentleman indicated, blacklisting is now illegal. This House will expect any contractor to observe the letter and spirit of the law. That is point one. Point two is that any contractor will be expected to conform to the highest standards in such matters. I hope the hon. Gentleman understands that I cannot be expected to say more than that today, but I am not knocking what he said. It is important. We are sensitive to it and we will be conscious in the days ahead of the reputational importance of what he has raised. Perhaps I can leave it there for now.

BILLS PRESENTED

HOUSE OF LORDS (EXCLUSION OF HEREDITARY PEERS) BILL

Presentation and First Reading (Standing Order No. 57)

David Hanson, supported by Clive Efford, Matthew Pennycook, Barbara Keeley, Bill Esterson, Jack Dromey, Louise Haigh, Kate Green, Lyn Brown, Liam Byrne and Paul Blomfield, presented a Bill to amend the House of Lords Act 1999 to remove the by-election system for the election of hereditary peers; to provide for the exclusion of hereditary peers from the House of Lords over time; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 27 April 2018, and to be printed (Bill 104).

PENSIONS (REVIEW OF WOMEN'S ARRANGEMENTS) (No. 2)

Presentation and First Reading (Standing Order No. 57)

Carolyn Harris, supported by Tim Loughton, Caroline Lucas, Stephen Lloyd, Ian Blackford, Christine Jardine, Maria Caulfield, Peter Aldous, David Hanson and Chris Elmore, presented a Bill to establish a review of pension arrangements for women affected by changes made by the Pensions Act 1995 and the Pensions Act 2011; to require the review in particular to undertake costings for a compensation scheme and consider the operation of section 1(4) of the Pensions Act 2011; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 27 April 2018, and to be printed (Bill 105).

European Union (Withdrawal) Bill

Second Reading

12.18 pm

The Secretary of State for Exiting the European Union (Mr David Davis): I beg to move, That the Bill be now read a Second time.

When I introduced the European Union (Notification of Withdrawal) Bill earlier this year, I said that that Bill was just the beginning—it was the beginning of a process to ensure that the decision made by the people in June last year is honoured. Today we begin the next step in the historic process of honouring that decision. Put simply, this Bill is an essential step. Although it does not take us out of the European Union—that is a matter for the article 50 process—it does ensure that, on the day we leave, businesses will know where they stand, workers' rights will be upheld and consumers will remain protected. The Bill is vital to ensuring that, as we leave, we do so in an orderly manner.

Let me start with a brief summary of the Bill before going on to set out its key provisions in more depth. The Bill is designed to provide maximum possible legal certainty and continuity while restoring control to the United Kingdom. It does so in three broad steps. First, it removes from the statute book the key legislation passed by this Parliament in 1972—the European Communities Act 1972. That Act gave European Union law supreme status over law made in this country. It is therefore right that it be removed from our statute book on the day the UK leaves the European Union, bringing to an end the supremacy of European law over laws made in the United Kingdom.

Secondly, the Bill takes a snapshot of the body of EU law that currently forms part of the United Kingdom legal system and ensures that it will continue to apply in the United Kingdom after we leave. This is to ensure that, wherever possible, the same rules and laws will apply the day after exit as they did before. Without that step, a large part of our law would fall away when the European Communities Act is repealed.

But simply preserving European Union law is not enough. There will be many areas where the preserved law does not work as it should. So, as its third key element, the Bill provides Ministers in this Parliament and in the devolved legislatures with powers to make statutory instruments to address the problems that would arise when we leave the European Union.

Ian Murray (Edinburgh South) (Lab): Will the Secretary of State give way?

Mr Davis: In a moment.

These powers allow Ministers to make those changes to ensure that the statute book works on day one. This will be a major shared undertaking across the United Kingdom.

Tom Brake (Carshalton and Wallington) (LD) *rose*—

Stephen Timms (East Ham) (Lab) *rose*—

Mr Davis: I will give way to both right hon. Gentlemen in a few minutes.

[Mr David Davis]

Following this, it will be for United Kingdom legislators to pass laws, and for the United Kingdom courts to adjudicate those laws.

The Bill enables us to leave the European Union in the smoothest and most orderly way possible. It is the most significant piece of legislation to be considered by this House for some time, and it will rightly be scrutinised clause by clause, line by line on the Floor of the House.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op) *rose*—

Stephen Timms *rose*—

Mr Davis: I will give way in a moment.

I stand ready to listen to those who offer improvements to the Bill in the spirit of preparing our statute book for withdrawal from the European Union.

The right hon. and learned Member for Holborn and St Pancras (Keir Starmer) likes to remind me of my past incarnation as a Back Benchers' champion and my dedication to holding the Government to account. I have not changed my views one jot. Let me be clear: this Bill does only what is necessary for a smooth exit and to provide stability. However, as I have repeatedly said, I welcome and encourage contributions from those who approach the task in good faith and in a spirit of collaboration. All of us, as legislators, have a shared interest in making the Bill a success and in the national interest.

Ian Murray: The Secretary of State mentioned in his opening remarks that the Bill gives Ministers the power to change laws through statutory instruments and other mechanisms. Does that include changing laws in terms of devolved Administrations?

Mr Davis: If the hon. Gentleman will be patient, I will come later in my speech to the detail of that and how that process will work.

Tom Brake: Will the Secretary of State take this opportunity to confirm that the Government will not use this Bill to make policy changes?

Mr Davis: Again, I will go into that in some detail. There is one exception to this, but the primary aim behind the Bill is to maintain policy as it is now. The only exception to that is under the withdrawal arrangements, and that will be time-determined and limited. I will detail that in a second.

Stephen Timms: George Osborne, in his headline in the *Evening Standard* last night, referred to the Secretary of State's approach as "rule by decree". Why is the Secretary of State taking this high-handed approach to the practices of this Parliament?

Mr Davis: I have to tell the right hon. Gentleman that I do not read the *Evening Standard*—it sounds like with good reason. I have to tell him that if I am going to take lectures on rule by decree, it will not be from the editor of the *Evening Standard*.

John Redwood (Wokingham) (Con): Will my right hon. Friend confirm that if the Government wish to make a change by statutory instrument, that is a parliamentary process? It would be entirely in Parliament's control. It is a synthetic nonsense to suggest that Ministers are bypassing Parliament.

Mr Davis: My right hon. Friend is entirely right—it is a point I will elaborate on later—and the editor of the *Evening Standard* should know that from his own experience.

The key point of this Bill is to avoid significant and serious gaps in our statute book. It ensures that consumers can be clear about their protection, employees can be clear about their rights, and businesses can be clear about the rules that regulate their trade. Workers' rights and consumer and environmental protections will be enforceable through the UK courts, which are renowned the world over. The Bill provides certainty as to how the law will apply after we leave the European Union, and ensures that individuals and businesses will continue to be able to find redress when problems arise. Without this Bill, all those things would be put at risk.

The Bill must be on the statute book in good time ahead of our withdrawal so that the statutory instruments my right hon. Friend the Member for Wokingham (John Redwood) referred to, which will flow from the Bill, can be made in time for exit day—the House will have time to look at them—and so that we are in a position to take control of our laws from day one.

The Bill provides a clear basis for our negotiation with the European Union by ensuring continuity and clarity in our laws without prejudice to the ongoing negotiations. Without this legislation, a smooth and orderly exit would be impossible. The shape of any interim period will need to be determined by the negotiations, but we cannot await the completion of negotiations before ensuring that there is legal certainty and continuity at the point of our exit. To do so would be reckless.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): Will the Secretary of State confirm his view that not transposing the EU charter of fundamental rights will have no impact on the actual rights of the British people, their interpretation or their enforcement in the courts?

Mr Davis: Again, I will come to that later, but if the hon. Lady remembers, when the White Paper was presented to this House I said to the right hon. and learned Member for Holborn and St Pancras, my opposite number, that if any powers were missing, people should come to the Government, tell me and tell the House, and we would put that right. I have not had a single comment since on that.

Several hon. Members *rose*—

Mr Davis: I will make some progress now, and I will give way a little later. I am conscious of the point made by the Father of the House that time will be tight at least on this day. I will give way as much as is reasonable, but I do not want to dilate too long.

Mr Dominic Grieve (Beaconsfield) (Con): Will my right hon. Friend give way?

Mr Davis: If my right hon. and learned Friend will forgive me, I will not for the moment.

Let me now talk the House through the Bill's main provisions. The first clause repeals the European Communities Act on the day we leave the European Union, ending the supremacy of EU law in the UK and preventing new EU law from automatically flowing into UK law after that point. When the then Prime Minister Harold Wilson led the debate here in May 1967 on the question of the United Kingdom's entry into the European Communities, he said:

"It is important to realise that Community law is mainly concerned with industrial and commercial activities, with corporate bodies rather than private individuals. By far the greater part of our domestic law would remain unchanged after entry."—[*Official Report*, 8 May 1967; Vol. 746, c. 1088.]

I think the passage of time has shown that he was mistaken. European Union law touches on all aspects of our lives, in a far wider way than the drafters of the European Communities Act could have envisaged. That means the Bill we have before us today has a difficult task: it must rebuild United Kingdom law in a way that makes sense outside the European Union.

Stephen Doughty: Will the Secretary of State give way on that point?

Mr Davis: In a moment.

To do that, the first step the Bill takes is to preserve all the domestic law we have made to implement our EU obligations. That mainly means preserving thousands of statutory instruments that have been made under the European Communities Act, with subjects ranging from aeroplane noise to zoo licensing. It also extends to preserving any other domestic law that fulfils our European Union obligations or otherwise relates to the European Union.

Equally, the Bill converts European Union law—principally EU regulations, all 12,000 of them—into domestic law on exit day. It also ensures that rights in the EU treaties that are directly effective—that is, rights that are sufficiently clear, precise and unconditional that they can be relied on in court by an individual—continue to be available in UK law.

I have no doubt that there is much about EU law that could be improved, and I know that this Parliament will, over time, look to improve it. [*Interruption.*] Including the hon. Member for Caerphilly (Wayne David), who laughed just then. But that is not the purpose of this Bill. It simply brings European Union law into UK law, ensuring that, wherever possible, the rules and laws are the same after exit as before.

Just as important as the text of EU law is the interpretation of that law.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): Will the Secretary of State give way?

Mr Davis: In a moment.

For that reason, the Bill ensures that any question as to the meaning of retained law is to be decided on in UK courts in accordance with the Court of Justice's case law and retained general principles of European Union law as they stood on exit day. That approach maximises stability by ensuring that the meaning of the

law does not change overnight and that only the Supreme Court, and the High Court of Justiciary in Scotland, will be able to depart from retained EU case law. They will do so on the same basis on which they depart from their own case law. Any other approach would either actively cause uncertainty or fossilise EU case law for ever.

Yvette Cooper *rose*—

Stephen Doughty *rose*—

Mr Davis: I will make this point and then give way. Future decisions of the Court of Justice will not bind our courts, but our courts will have discretion to have regard to such decisions if they consider it relevant and appropriate to do so, in just the same way that our courts might at the moment refer to cases in other common law jurisdictions such as Australia and Canada. I give way to the hon. Member for Cardiff South and Penarth (Stephen Doughty), who has been patient.

Stephen Doughty: Given the scale of the task that the Secretary of State is setting out in his introduction to the Bill, and the huge impact that our relationship with the EU has on every aspect of our lives—our economy, our workers' rights, our environmental rights, and our security and law relationships—can he explain why we are only getting eight days to discuss the Bill in Committee when the Bill that took us into Europe had 22 and the Maastricht treaty had 20?

Mr Davis: The first thing I would say is that eight days is quite a long time for this sort of thing. Perhaps the most relevant comparison is with the Lisbon treaty, which recreated—[*Interruption.*] Yes, it is, because it recreated the European law on a major basis. This Bill does not do that. It does not aim to change law, with a tiny exception that I will come back to; it aims to maintain the laws that we currently have—it is primarily technical in that respect. If the hon. Gentleman sees it as being any different, then I will give way to him again.

Chris Bryant (Rhondda) (Lab): The trouble with relying on secondary legislation is that it is unamendable and gets only one and a half hours of debate. Would it not be sensible, particularly in relation to any secondary legislation brought through under clause 9, to allow a new form of secondary legislation where we can amend it and have substantial debate?

Mr Davis: In essence, remember, the aim of the Bill is to translate European Union into UK law and to make sure that no problems arise, whether that means references to bodies that we are no longer subordinate to, whether it means that the language is different, or whether it applies to reciprocal rights. Much of this will be very straightforward and relatively simple. The point that the hon. Gentleman should look at is that the Bill seeks to make the type of secondary legislation, whether under affirmative or negative resolution, proportionate to that. If he wants to talk about the issue further, I am happy to talk to him. As I have said before, I am not going to reinvent the constitution at the Dispatch Box.

Andrew Selous (South West Bedfordshire) (Con): What conclusion should the electorate draw about respect for democracy from other parties' refusal to give the Bill a Second Reading?

Mr Davis: I am not going to presume ill intent from the start. I say to everybody in the House that the electorate will draw their own judgment as to whether people are addressing this in a sensible way to maintain the rights of British citizens and to maintain the continuity of British law in good time for our departure from the European Union—which is, after all, a fixed date—or whether they are simply using it as a cynical political exercise. That is not a decision for me to make; it is a decision for the electorate to make, and make it they will.

Several hon. Members *rose*—

Mr Davis: I will make some progress now.

Overall, then, the Bill provides for very significant continuity in the law, but there are some elements that simply—

Mr Grieve: Will my right hon. Friend give way on that point?

Mr Davis: In a moment.

There are some elements that simply will not make sense if they remain on the UK statute book once we have left the EU and in the years and decades to come. It would not make sense, for example, for the Bill to preserve the supremacy of EU law or to make the preserved EU law supreme over future legislation passed by this Parliament. Laws passed in these two Houses after exit day will take precedence over retained EU law.

We also do not believe that it would make sense to retain the charter of fundamental rights. The charter applies only to member states when acting within the scope of EU law. We will not be a member state, nor will we be acting within the scope of EU law, once we leave the European Union. As I said to the House when I published the White Paper on the Bill, the charter catalogues the rights found under EU law that will be brought into UK law by the Bill. It is not, and never was, the source of those rights. Those rights have their origins elsewhere in domestic law or relate to international treaties or obligations that the UK remains party to—for example, the European convention on human rights.

Mr Grieve: Will my right hon. Friend give way?

Mr Davis: Let me be clear: the absence of the charter will not affect the substantive rights available in the UK. As I have said before at the Dispatch Box, if an Opposition Member or anyone in the House—I am thinking of my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve); I will come to him in a minute—finds a substantive right that is not carried forward into UK law, they should say so and we will deal with it.

Yvette Cooper *rose*—

Mr Davis: In the several months since I said that, no one has yet brought my attention to a right we have missed. It may be that that will happen in the next two minutes—I will start by taking the intervention of the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) and then come to my right hon. and learned Friend the Member for Beaconsfield.

Yvette Cooper: The Secretary of State will know that the key issue is not what Ministers say is the aim of the Bill, but what are the actual powers in it. So can he tell the House what safeguards there are anywhere in the Bill—in proposed statute—that would prevent Ministers from using clause 7, clause 9 or clause 17 to completely rewrite extradition policy in future, in relation to the demise of the European arrest warrant, without coming back to Parliament with primary legislation?

Mr Davis: I will come to the details in a moment, but there are a number of limitations, one of which is that we cannot impinge on the Human Rights Act 1998. That goes straight to the point that the right hon. Lady raises.

Mr Grieve: I understand my right hon. Friend's point about the charter, because I agree with him that general principles and the charter should be identical—although that does raise the question of why, in those circumstances, the charter should go—but schedule 1 says quite clearly that after we have done this:

“There is no right of action in domestic law on or after exit day based on a failure to comply with any of the general principles of EU law.”

He must agree that that means that the right of the individual to challenge on the basis of the principle of EU law—the law that will be imported into our law by the Bill—will no longer be possible. That is in our own courts—forget about the European Court of Justice. That seems to me a marked diminution in the rights of the individual and of corporate entities.

Mr Davis: I am afraid that my old and dear right hon. and learned Friend and I are going to have a difference of opinion. We will put in the Library a letter on this specific issue, as we have already said. [HON. MEMBERS: “When?”] Today. But the simple truth is that these rights, as he should know as well as anybody, have a whole series of origins. Some are from British common law, some are from EU law that we will bring in ourselves, and some are from the European convention on human rights—which, he will note, we are continuing with. All these things will provide those undertakings. Why on earth we need an extra layer of declaratory law I do not know. It was brought in under the Blair Government—perhaps that explains it.

Joanna Cherry (Edinburgh South West) (SNP): Will the Secretary of State give way?

Mr Davis: Not for a moment. I will make some progress and come back to the hon. and learned Lady.

The conversion of EU law into UK law is an essential measure to ensure that the UK leaves the EU in the smoothest way possible. However, that action alone is not enough to ensure that the statute book continues to function. Many laws will no longer make sense outside the EU. If we were only to convert EU law into UK law, our statute book would still be broken. Many laws would oblige UK individuals, firms or public authorities to continue to engage with the European Union in a way that would be both absurd and impossible for a country that is not within the European Union. Other laws would leave the European Union institutions as key public authorities in the UK—a role they would not be able to perform or fulfil.

The problems that would arise without our making these changes would range from minor inconveniences to the disruption of vital services we all rely on every day. In practical terms, they would range from a public authority being required to submit reports on water quality to the European Union, to disruption being caused to the City by the removal of the supervision of the credit rating agencies entirely. It is essential that these issues are addressed before we leave the European Union, or we will be in breach of our duty as legislators to provide a functioning and clear set of laws for our citizens.

That is why the Bill provides a power to correct problems that arise in retained EU law as a result of our withdrawal from the European Union. This is clause 7, the so-called correcting power. Unlike section 2(2) of the European Communities Act—this goes straight to the point that the right hon. Member for Normanton, Pontefract and Castleford raised—which can be used to do almost anything to the statute book to implement EU law, the correcting power is a limited power. It can be used only to correct problems with the statute book arising directly from our withdrawal from the European Union. Ministers cannot use it simply to replace European Union laws that they do not like. It is designed to allow us to replicate as closely as possible existing European Union laws and regimes in a domestic context. It is also restricted. It cannot be used, for example, to create serious criminal offences, amend the Human Rights Act, or impose or increase taxation. We have ensured that it will expire two years after exit day so that nobody can suggest that it is a permanent attempt to transfer power to the Executive.

Mr Chris Leslie (Nottingham East) (Lab/Co-op): Will the Secretary of State give way?

Mr Davis: No.

I accept that proposing a delegated power of this breadth is unusual, but leaving the European Union presents us with a unique set of challenges that need a pragmatic solution. Using secondary legislation to tackle such challenges is not unusual. Secondary legislation is a process of long standing with clear and established roles for Parliament.

Joanna Cherry: Following on from the point made by the right hon. and learned Member for Beaconsfield (Mr Grieve), the Secretary of State has asked for concrete examples of rights that will be lost to UK citizens as a result of the Act, so I would like to give him one and ask for his undertaking that he will amend the Act to make sure that this right will not be lost.

Earlier this summer, a man called John Walker relied on EU equality law to bring his successful challenge to a loophole in UK law whereby employers could refuse to pay same-sex partners the same pension benefits as those paid to heterosexual couples if the funds were paid in before December 2005. The Supreme Court—our Supreme Court, not the European Court of Justice—agreed that there was a loophole in UK law that was a violation of the general principles of non-discrimination in EU law. Mr Walker was able to use his right of action under the general principles of EU law to close that loophole, so that he and his husband could enjoy the same rights

as a heterosexual couple. That would not be possible under this Bill, because, as the right hon. and learned Gentleman said—

Mr Speaker: Order. This is a very lawyerly intervention, which is not altogether surprising in view of its genesis, but I am looking for the question mark.

Joanna Cherry: I am coming to the question, Mr Speaker, but the Secretary of State asked for examples. A challenge such as the one I have described would not be possible under this Bill, because there will be no right to sue. Will the Secretary of State give an undertaking that he will close this loophole in the Bill if we bring forward an appropriate amendment?

Mr Davis: I think that that will be brought forward in the course of the Bill's translation, but if not—*[Interruption.]* No, I am standing exactly by my undertaking. If not, the hon. and learned Lady should come to me and we will find a way of correcting that problem.

Richard Burden (Birmingham, Northfield) (Lab) *rose*—

Mr Davis: With respect, we have had one lengthy intervention, and I have to make some progress.

Our current estimate is that the UK Government will need to make between 800 and 1,000 statutory instruments to make exit a reality in UK law. That may seem, in some ways, like a large number—it is a little less than one year's quota, as it were—and I understand that Members have concerns about scrutiny of that volume of legislation, but let me contrast that with the 12,000 European Union regulations and 8,000 domestic regulations—20,000 pieces of law—that have brought forward new policies while we have been members of the European Union.

This one-off task is very different from the flow of new law from the European Union in the last 40 years, and it is ultimately about ensuring that power returns to this House. The people who complain about using secondary legislation should remember that of those 20,000 pieces of law, 8,000 went through under secondary legislation and the remaining 12,000 went through without any involvement from this House at all, because they came as regulations. They changed the law rather than maintaining it.

Wes Streeting (Ilford North) (Lab): Will the Secretary of State give way?

Mr Davis: No. All these changes must happen quickly to maintain stability as we leave the European Union. Many of the changes will be minor and technical, replacing, for example, references to European Union law or to other member states. It would not make sense, nor would it be possible, to make these numerous changes in primary legislation. Some of the changes will, by nature, be more substantial and demand more scrutiny. An example would be a proposal to transfer a function currently exercised by the Commission to a new domestic body that needs to be set up from scratch. We hope to minimise the need for such bodies, but where they are needed I readily accept that such changes require fuller parliamentary scrutiny. That is why the

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Bill sets clear criteria that will trigger the use of the affirmative procedure, ensuring a debate and vote on the statutory instrument in both Houses. Over the course of the two days we spend debating this Bill, I am sure that we will hear calls for the secondary legislation to receive greater scrutiny—

Alison McGovern (Wirral South) (Lab): Will the Secretary of State give way?

Mr Davis: In a moment.

I am sure that we will hear calls for secondary legislation to receive greater scrutiny—the hon. Member for Rhondda (Chris Bryant) has already made such a request—along the lines of that given to primary legislation. I am clear that the way to make significant changes is through primary legislation. That is why the Queen’s Speech set out plans for several further Bills to follow this one, including Bills on immigration, trade and sanctions. Bringing in significant new policy changes is not the task at hand. With this power, we are making corrections to the statute book rather than bringing in new policies to take advantage of the opportunities offered by our withdrawal from the EU.

Several hon. Members *rose*—

Mr Davis: I will give way in a second.

These corrections need to be made to ensure that we have a functioning statute book. As far as we can see, the power we have proposed is the only logical and feasible way to make those corrections. Our approach remains the only viable plan—we considered others—put forward in this House. Although we have heard complaints from the Opposition, we have not heard any alternatives from them.

Wes Streeting: The central premise of the Secretary of State’s argument is that in order to ensure a smooth exit we need to maintain as much of the status quo as possible on the way out. But this Bill goes much further, because the changes contained in clauses 5 and 6 would effectively rule out being within the customs union and the single market for a transitional period. That represents the single biggest risk to our economy, and that is what is in the Bill.

Mr Davis: The hon. Gentleman is quite right in one respect: that is clear Government policy. That is, in fact, the decision that was taken by the British people last year. They wanted to leave the European Union, which means leaving the single market and leaving the customs union. That point is clear. I know it is confusing for Labour Members, because their deputy leader appears to have a different view from the rest of the party.

Let me make some further progress after that rather silly intervention. The Bill also contains a limited power to implement the withdrawal agreement by statutory instrument if that proves necessary.

Anna Soubry (Broxtowe) (Con): Will my right hon. Friend give way?

Mr Davis: In a moment.

The Government’s aspiration is to agree a new deep and special partnership with the European Union. Under the article 50 process, we are negotiating a withdrawal agreement with the European Union. Provisions of that agreement will need to be implemented in domestic law, and some of that will need to be done before exit day. Given the timetable set by article 50, it is prudent to take this power now so that we are ready, if necessary, to move quickly to implement aspects of an agreement in domestic law. That will be particularly important if the negotiations conclude late in the two-year period. This power will help to ensure that the UK Government and devolved Administrations can implement the outcome of the negotiations. The power is limited; it will be available only until exit day, at which point it will expire. It is aimed at making the legislative changes that absolutely need to be in place for day one of exit to enable an orderly withdrawal from the European Union.

Lady Hermon (North Down) (Ind) *rose*—

Mr Leslie *rose*—

Mr Davis: I will give way to the hon. Lady.

Lady Hermon: I have listened patiently to the Secretary of State, who has waxed lyrical about these regulations and delegated legislation being just standard. They are not just standard. I would like him to say something about the status of the delegated legislation made under clause 7, which gives it the status of an Act of Parliament. This is an attempt by the Government to oust review. I would like him to elaborate on that very important issue.

Mr Davis: I am afraid that that is not correct. The point was made by another Member—it may even have been what the hon. Member for Nottingham East (Mr Leslie) wanted to say—about the ability to change bits of primary legislation. The simple truth is that that is a fairly standard set of words used in such legislation. The Enterprise Act 2002 and the Third Parties (Rights against Insurers) Act 2010—both Labour Acts—contain such wording. It is the normal routine, because we want to make sure that nothing in the Bill prevents us from entering a transition phase, for example, or going into the next phase of negotiations.

Several hon. Members *rose*—

Mr Davis: Forgive me; I will make some progress. The exact use of the power will, of course, depend on the contents of the withdrawal agreement. For example, a power could, depending on what the withdrawal agreement says, be used to clarify the status of UK cases at the CJEU that started before exit but will not yet be concluded on exit day. It could also be used, for example, to enable regulatory approval for UK products that was pending at the point of exit. It will align with the proposals set out this summer in the UK’s position paper on continuity in the availability of goods in the EU and the UK. Those sorts of fairly technical but important issues need to be capable of being changed.

Anna Soubry: Will my right hon. Friend give way?

Mr Davis: I will give way in one second to my right hon. Friend.

We have already committed to bringing forward a motion on the final agreement to be approved by both Houses of Parliament before it is concluded. That vote is in addition to Parliament's scrutiny of any statutory instruments that we propose under these powers. It is also in addition to the enormous amount of debate and scrutiny that will be applied to the primary legislation, which will cover each and every major policy change relating to our exit from the European Union. Parliament will therefore be fully involved in taking forward a withdrawal agreement.

Anna Soubry: I am very grateful to my right hon. Friend for giving way.

"One of the most offensive kinds of provision that appear in our domestic legislation is the Henry VIII clause, as we call it."—[*Official Report*, 16 July 2013; Vol. 566, c. 179WH.]

Those are not my words, but the very wise ones of my hon. Friend the Member for Stone (Sir William Cash) in 2013. Long-standing, real concerns about statutory instruments have been expressed for many years by Members on the Government Benches.

To allay those concerns, will the Secretary of State look at what is called the triaging of the proposed statutory instruments? Many thousands of them will be completely uncontroversial and could be dealt with very quickly and efficiently, but those that really must be considered fully in this Chamber—in this place—could be so considered if we had triaging. Will my right hon. Friend please agree to look at that principle? It will solve many of the difficulties with the Bill across all these Benches.

Mr Davis: I thank my right hon. Friend for her suggestion. There will not be many thousands of statutory instruments, but between 800 and 1,000. The estimate has come down from several thousand because we have taken out much of the most serious legislation to put into other primary legislation. I will happily talk to her about mechanisms for making sure this is a fully democratic and open process. I will talk to her about it, and let us come back to that.

Anna Soubry: In the Bill.

Mr Davis: Well, I will talk to her about it during the Bill process, and about possibly changing—

Anna Soubry *rose*—

Mr Davis: No. If my right hon. Friend will forgive me, I am trying to hold back from taking too many interventions. I will discuss that with her, and we will look at possible amendments.

Hilary Benn (Leeds Central) (Lab): Will the Secretary of State give way?

Mr Davis: I will give way to the Chairman of the Select Committee.

Hilary Benn: Will the Secretary of State give the House an assurance that the powers in clause 9 to implement the withdrawal agreement will not be exercised until Parliament has had an opportunity to vote on the agreement?

Mr Davis: To vote on the agreement?

Hilary Benn: On the agreement.

Mr Davis: I am just thinking through the logic of that. It seems to me to be logical, in truth. Will the right hon. Gentleman allow me a few moments to review the matter? It seems to me to be perfectly possible that I could give such an undertaking, but I will not just do it on the fly in case I have missed something. [*Interruption.*] No, no. He is right. Let me say to the House that he is right about one thing in that the two issues—the overall judgment on the outcome and any withdrawal arrangements—run together. The withdrawal arrangements are most likely to come up if it arrives late, and that is why I will have to think through the possible timetable. He will remember that when we talked about how the House will be able to review the negotiated agreement, we said we would use our best endeavours and that we intend and expect to get it to the House before anybody else. That is what we intend, and we had to use that form of words because we were not sure about the timing. However, I will talk to him and come back to him on that matter.

Several hon. Members *rose*—

Mr Davis: I want to move on to another subject, if I may, which is the subject of devolution. This relates directly to some of the things Opposition Members have been saying, so let me now deal with the Bill's approach to devolution.

As I have set out, the overall approach of this Bill is to provide for continuity wherever possible at the point of exit, not to seek to initiate reforms immediately. That is the approach that guides the devolution provisions as well. Let me be clear: this Government have a strong track record on devolution. Our commitment to strengthening devolution settlements is clear from the statute book—most recently, the Wales Act 2017 and the Scotland Act 2016. If I remember correctly, the Scotland Act gave tax-raising powers of about £12 billion to the Scottish Parliament, which is not such a small thing. Leaving the European Union allows us to make sure that decision making sits closer to the people than ever before, and we expect a significant increase in the decision-making power of the devolved institutions.

The current devolution settlements have always created common frameworks within the United Kingdom by reflecting the context of the UK's EU membership, so in areas subject to European Union law all parts of the United Kingdom currently follow common rules and principles, even where matters are otherwise devolved. For example, England, Wales, Scotland and Northern Ireland each pass their own laws relating to food policy, but each nation has to ensure it complies with European Union rules on food hygiene.

When we leave the European Union, it is not in the interests of people and businesses—those living and working across the UK—for all those arrangements to disappear, or for there to be new barriers to living and doing business in our own country. The Bill therefore provides certainty and continuity for people across the UK by recreating in UK law the common frameworks currently provided by EU law, and providing that the devolved institutions cannot generally modify them.

The Bill also ensures that every decision that the devolved Administrations and legislatures could take before exit day, they can still take after exit day. This is a

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transitional arrangement. It is an arrangement that ensures certainty and continuity while the United Kingdom undertakes negotiations with the European Union on its future relationship and the UK Government and devolved Administrations discuss precisely where we need to retain common frameworks in the UK in the future.

Patrick Grady (Glasgow North) (SNP): What the right hon. Gentleman is therefore describing is not devolution but reserving powers to this Parliament. It is a fundamental breach of the principles of the original Scotland Act. Will he tell us whether any statutory instruments affecting the devolved Administrations that go through this House as a result of the Bill will be subject to legislative consent in those institutions?

Mr Davis: I have said already that we will put our overall negotiation through legislative consent motions; I have made that point previously. Let us come back to the core of the argument. The argument being put is that everything that belongs to the European Union now belongs to the devolved Administrations, but that clearly does not work, as I will come on to say in a minute.

The common frameworks will be important as they will enable us to manage shared resources such as the sea, rivers and the air, and they will enable the continued functioning of the UK's internal market. They will allow us to strike ambitious trade deals, administer and provide access to justice in cases with a cross-border element and enter into new international treaties, including on our future relationship with the European Union.

Peter Grant (Glenrothes) (SNP): Will the Secretary of State give way?

Wayne David (Caerphilly) (Lab): Will the Secretary of State give way?

Mr Davis: I will not give way for the moment.

For example, the common frameworks will mean that a business in Wales knows that it needs to comply only with one set of rules on food labelling and safety to sell to the rest of the United Kingdom, or that a farmer in Scotland is able to sell her livestock in other parts of Great Britain, safe in the knowledge that the same animal health rules apply across that geographical area. Certainty on common approaches will be critical for the day-to-day life of people in the United Kingdom on the day we exit the European Union and on into the future.

Stephen Gethins (North East Fife) (SNP): If this is a smooth transition, I am not sure how much worse it is going to get. On the points that the Secretary of State is raising—he is making a very good case for the European Union—I do not see in the Bill any reference to the immigration powers that Scotland was promised during the referendum process. Will he explain?

Mr Davis: I do not remember any such promise. When I was going through the list of practical things that apply to the citizens that SNP Members are supposed to represent, what did we hear? Wow! They do not care;

what they are interested in is devolution and political power for themselves, not the interests of their own constituents.

Just as important are the areas where we do not need to keep common approaches in the future. We do not expect that we will need to maintain a framework in every single area the EU has mandated. We can ensure that our common approaches are better suited to the UK and our devolution settlements. The Bill therefore provides a mechanism to release policy areas where no frameworks are needed.

Wayne David: Will the Secretary of State give way?

Mr Davis: No, I will not give way at the moment.

The Bill gives time for us to work with the devolved Administrations to determine where we will continue to need common frameworks in the future. Crucially, it will not create unnecessary short-term change that negatively affects people or businesses. Before the summer recess, my right hon. Friend the First Secretary of State wrote to the Scottish and Welsh Governments to begin intensive discussions about where common frameworks are and are not needed. In the current absence of a Northern Ireland Executive, equivalent engagement has taken place at official level with the Northern Ireland civil service. We will bring forward further detail on the process underpinning these discussions in due course for Parliament to decide on.

Certainty in devolved legislation affected by EU exit is also vital. The key delegated powers in this Bill are conferred on the devolved Administrations so that the task of preparing the devolved statute books for exit can rightly be led from Scotland, Wales and Northern Ireland.

The Government are committed to ensuring the powers work for the Administrations and legislatures. For instance, I have already confirmed that we will always consult the Administrations on corrections made to direct EU law relating to otherwise devolved areas of competence. I firmly believe that the outcome of this process will be a significant increase in the decision-making powers of each devolved Administration and legislature. It will mean that decisions and powers sit in the right place and closer to people than ever before. Crucially, the Bill means that our UK businesses and citizens have confidence and certainty that the laws will allow them to live and operate across the UK as we exit the EU.

As the Prime Minister said in January, the historic decision taken by the British people in June last year was not a rejection of the common values and history we share with the EU but a reflection of the desire of British people to control our own laws and ensure that they reflect the country and the people we want to be. The Bill is an essential building block. It lays the foundation for a functioning statute book on the basis of which future policies and laws can be debated and altered. The Bill itself is not the place for those substantive changes to the frameworks we will inherit from the EU—we will have many more opportunities to debate those, both before and after we leave.

I hope that all Members on both sides of the House will recognise that we are acting responsibly in leaving the EU by prioritising, first and foremost, a functioning statute book. In bringing forward the Bill, we are ensuring

the smoothest possible exit from the EU—an exit that enables the continued stability of the UK’s legal system and maximises certainty for businesses, consumers and individuals across the UK. As we exit the EU and seek a new deep and special partnership with the EU, the Bill will ensure that we do so with the same standards and rules. In the Bill, we are not rejecting EU law but embracing the work done between member states over 40 years of membership so that we might build on that solid foundation once we return to being masters of our own laws. I hope that everyone in the House recognises the Bill’s essential nature: it is the foundation on which we will legislate for years to come.

We have seen this morning the Opposition’s reasoned amendment. I have just emphasised the critical nature of the Bill. A vote for the Leader of the Opposition’s amendment is a vote against the Bill, a vote for a chaotic exit from the EU. It suggests that the Bill provides a blank cheque to Ministers. That is a fundamental misrepresentation of Parliament and our democratic process. Using the Bill’s powers does not mean avoiding parliamentary scrutiny. Secondary legislation is still subject to parliamentary oversight and well established procedures. In no way does it provide unchecked unilateral powers to the Government.

The Government agree that EU exit cannot, and will not, lead to weaker rights and protections in the UK, as I have just said to hon. Members. We have been clear that we want to ensure that workers’ rights are protected and enhanced as we leave the EU. The Bill provides for existing legislation in this area to be retained. After we leave the EU, it will be for Parliament to determine the proper level of rights protection. On devolution, I have just explained in detail the approach we will take.

Finally, the argument that the Bill undermines any particular approach to the interim or transitional period for the implementation of our new arrangements with the EU is completely wrong. It will provide a clear basis for our negotiations by ensuring continuity and clarity in our laws without prejudicing those ongoing negotiations. Without the Bill, a smooth and orderly exit is impossible. We cannot await the completion of negotiations before ensuring this legal certainty and continuity at the point of our exit. To do so, or to delay or oppose the Bill, would be reckless in the extreme.

I have in the past witnessed the Labour party on European business take the most cynical and unprincipled approach to legislation I have ever seen. It is now attempting to do the same today. The British people will not forgive Labour if its end is to delay or destroy the process by which we leave the EU.

Mr Speaker: I must inform the House that I have selected the amendment in the name of the Leader of the Opposition. I remind the House that Front-Bench speakers can speak without a time limit but must be sensitive to the number of people who wish to intervene on them. I merely note—colleagues can make their own assessment—that on current progress probably somewhat fewer than half of those who wish to speak today will be able to do so. Colleagues obviously need to help each other.

1.5 pm

Keir Starmer (Holborn and St Pancras) (Lab): I beg to move,

to leave out from ‘That’ to the end of the Question and add ‘that this House respects the EU referendum result and recognises that the UK will leave the EU, believes that insisting on proper scrutiny of this Bill and its proposed powers is the responsibility of this sovereign Parliament, recognises the need for considered and effective legislation to preserve EU-derived rights, protections and regulations in UK law as the UK leaves the EU but declines to give a Second Reading to the European Union (Withdrawal) Bill because the Bill fails to protect and reassert the principle of Parliamentary sovereignty by handing sweeping powers to Government Ministers allowing them to bypass Parliament on key decisions, without any meaningful or guaranteed Parliamentary scrutiny, fails to include a presumption of devolution which would allow effective transfer of devolved competencies coming back from the EU to the devolved administrations and makes unnecessary and unjustified alterations to the devolution settlements, fails to provide certainty that rights and protections will be enforced as effectively in the future as they are at present, risks weakening human rights protections by failing to transpose the EU Charter of Fundamental Rights into UK law, provides no mechanism for ensuring that the UK does not lag behind the EU in workplace protections and environmental standards in the future and prevents the UK implementing strong transitional arrangements on the same basic terms we currently enjoy, including remaining within a customs union and within the Single Market.’.

The Secretary of State is keen to portray the Bill as a technical exercise converting EU law into our own law without raising any serious constitutional issues about the role of Parliament. Nothing could be further from the truth.

I will start with clause 9. As the Secretary of State and the Prime Minister know, the article 50 negotiations are among the most difficult and significant in recent history. Under article 50, the agreement will cover all the withdrawal arrangements and take account of the future relationship between the UK and the EU—a backwards look and a forwards look on something that might last for decades. We know that phase 1 will have to cover EU citizens, Northern Ireland, UK citizens in the Europe and the money, and that phase 2 will cover security, cross-border crime, civil justice, enforcement of judgments, fisheries, farming, Gibraltar—you name it, we hope it will be in the article 50 agreement. We want it to succeed; we need an agreement. It will also include our future trading arrangements—hugely important—including any transitional arrangements, if there are any, and much more.

Arguably, the arrangements will extend to every facet of national life—not my words, but I will come back to them. The article 50 agreement will be voted on, but it will then have to be implemented. It is a colossal task likely to involve a host of policy choices and to require widespread changes to our law—on any view. So how will that be done? Enter clause 9:

“A Minister of the Crown may by regulations make such provision as the Minister considers appropriate for the purposes of implementing the withdrawal agreement if the Minister considers that such provisions should be in force on or before exit day.”

It is very likely to have to be in force before exit day, because otherwise there will be a gap, so that means the whole of the agreement, including transitional measures, being implemented under clause 9. It cannot be implemented after exit day, otherwise there will be a gap.

Let us be clear about how widely clause 9 is drawn. We have had some discussion about Henry VIII. Subsection (2) states:

“Regulations under this section may make any provision that could be made by an Act of Parliament”—

[Keir Starmer]

it is a true Henry VIII clause; it can modify Acts of Parliament—

“(including modifying this Act).”

The delegated legislation can amend the primary Act itself. That is as wide as any provision I have ever seen.

What are the limits and safeguards? Under clause 9(3), the regulations may not impose taxation, make retrospective provisions—they are usually a very bad idea—create a criminal offence or amend the Human Rights Act. Everything else is on limits under clause 9.

Several hon. Members *rose*—

Keir Starmer: I will make this point and then give way.

Given that the clause is drawn so widely, one would expect an enhanced procedure or some other safeguards—surely not just ordinary old delegated legislation.

Anna Soubry: Will the right hon. and learned Gentleman give way?

Keir Starmer: I will make this point and then give way to several hon. Members.

What are the procedures? Are they enhanced? No. The opposite. Part 2 of schedule 7 deals with clause 9. It makes it clear that unless the delegated legislation creates a public authority, or the function of a public authority, affects a criminal offence or affects a power to make legislation, it is to be dealt with by—what? The negative procedure for statutory instruments, which means the least possible scrutiny: it means that the widest possible power, with no safeguards, will be channelled into the level of least scrutiny.

That is absolutely extraordinary. Let us be clear about what it means, because I am sure that the Secretary of State and others will say that notwithstanding the number of statutory instruments for which the schedule provides, they can be called up and annulled, and Parliament will have its say. I looked up the last time a negative-procedure statutory instrument had been annulled in the House, and it was 38 years ago. I do not know how many Members have been in the House for 38 years, but many of us will not have had that opportunity. So much for “taking back control”.

There is no point in the Secretary of State or the Prime Minister saying, “We would not use these powers: take our assurance.” If they would not use them, they are unnecessary, and if they are unnecessary they should not be put before the House for approval today.

Charlie Elphicke (Dover) (Con): The case that the right hon. and learned Gentleman is making is for an amendment to clause 9. He is not making a case against the principle of the Bill, which is what Second Reading debates are about, and as he and his party are determined to vote against the principle of the Bill, he ought to make that case.

Keir Starmer: I have only just started.

Alison McGovern: The Secretary of State made great play of the claim that the Bill was necessary for certainty. Given the legal situation that my right hon. and learned Friend has just excellently elucidated, does he agree that

the powers that the Bill gives Secretaries of State to regulate every aspect of our lives mean that it is a charter for uncertainty for ordinary British people?

Keir Starmer: I do, and I shall attempt to demonstrate that.

Several hon. Members *rose*—

Keir Starmer: I will press on. I know that Members want to intervene, but I heard what you said, Mr Speaker, about the number of Members who want to make speeches. I will take interventions at intervals, if that is satisfactory to the House.

Clause 7, “Dealing with deficiencies arising from withdrawal”, takes the same approach as clause 9, as does clause 8, “Complying with international obligations”. All those provisions are channelled into the negative procedure with the least possible scrutiny: they constitute a giant sidestep from parliamentary scrutiny on the most important issues of our day. But let me top it off. If you think that is bad—and I do—try clause 17. Subsection (1) states:

“A Minister of the Crown may by regulations make such provision as the Minister considers appropriate in consequence of this Act.”

So anything in consequence of the Act can be done under clause 17. Again, this is a proper, robust Henry VIII provision. Let us look at subsection (2). It states:

“The power to make regulations under subsection (1) may...be exercised by modifying any provision made by or under an enactment.”

That means amending primary legislation. In case anyone is in doubt, subsection (3) states:

“In subsection (2) “enactment” does not include primary legislation passed or made after the end of the Session in which this Act is passed.”

So the Government can amend any legislation whatsoever—primary legislation—including legislation in this Session. Everything in the Queen’s Speech that is coming down the track could be amended by delegated legislation under clause 17. I have never come across such a wide power, although I have come across consequential powers. The Secretary of State will no doubt point to other statutes that provide for not dissimilar powers; I have looked at them, but I have never seen one as wide as this.

Members should not just take my word for it. A minute ago, the Secretary of State said that no one could suggest that this was a legislative blank cheque for the Government. Let me read out what has been said by the Hansard Society—not a political body, not the Opposition, but the Hansard Society—about clause 17.

“Such an extensive power is hedged in by the fact that any provision must somehow relate to withdrawal from the EU, but given that this will arguably extend to every facet of national life, if granted it would, in effect, hand the government a legislative blank cheque.”

Those are the words of the Hansard Society.

Vicky Ford (Chelmsford) (Con): Will the right hon. and learned Gentleman give way?

Keir Starmer: I will complete this part of my presentation, if I may.

What is the scope and extent of that legislative blank cheque? How many pieces of delegated legislation are we concerned with? As the Secretary of State said, the White Paper suggested that there would be between 800 and 1,000, the vast majority of which would be dealt with via the negative procedure route. I do not think that the White Paper could, or did, take into account the further instruments necessary to implement the withdrawal agreement, but there could be very many more—well over 1,000 pieces of delegated legislation, given the least possible scrutiny.

Vicky Ford *rose*—

Chris Philp (Croydon South) (Con) *rose*—

Keir Starmer: I will complete this point, and then I will give way.

I was glad to see that the Prime Minister was here earlier. Yesterday, during Prime Minister's Question Time, she told the House that "the approach"—the Government's approach to the Bill—

"has been endorsed by the House of Lords Constitution Committee." —[*Official Report*, 6 September 2017; Vol. 628, c. 148.]

I read the report again last night, and I have doubts about that endorsement.

Vicky Ford: Will the right hon. and learned Gentleman give way?

Keir Starmer: When I have finished this point.

As the Prime Minister and the Secretary of State will know, this morning the House of Lords published a further report on the Bill, which reached the following conclusion:

"The executive powers conferred by the Bill are unprecedented and extraordinary and raise fundamental constitutional questions about the separation of powers between Parliament and Government."

The report—published by the Committee that the Prime Minister prayed in aid yesterday—went on to say:

"The number, range and overlapping nature of the broad delegated powers... would fundamentally challenge the constitutional balance of powers between Parliament and Government and would represent a significant—and unacceptable—transfer of legal competence."

Far from being an endorsement, that is an explicit and damning criticism of the Government's approach.

Mr Leslie: I entirely agree with my right hon. and learned Friend, who has pointed out what a joke the Bill is. It sets out all those supposed safeguards, but, as my right hon. and learned Friend correctly pointed out, Ministers can make regulations to modify it. We are disappearing down an Alice in Wonderland rabbit-hole of legislation. Is it not also true that it does not matter when Ministers—the Prime Minister, or the Secretary of State—say, "Trust us: we will not use these regulations"? They could be here today and gone tomorrow, and the hon. Member for the 18th century—the hon. Member for North East Somerset (Mr Rees-Mogg)—could be Prime Minister. We could be totally in his hands, and there would be all these powers.

Keir Starmer: I am grateful for that intervention.

Mr Jacob Rees-Mogg (North East Somerset) (Con) *rose*—

Hon. Members: Hurray!

Mr Speaker: Order. I think we can short-circuit this. The hon. Member for North East Somerset has often been noted to observe that the 18th century is altogether too recent for him.

Vicky Ford *rose*—

Anna Soubry *rose*—

Keir Starmer: I will give way to both the Members who have been trying to intervene.

Anna Soubry: Does the right hon. and learned Gentleman believe that under clause 9, what is being called "the divorce bill"—the amount of money that we may have to pay to the European Union when we leave—could be agreed by a Minister, or by the Government, without this place having any say in the amount that was paid?

Keir Starmer: If it did not come under clause 9, it would certainly come under clause 17.

Vicky Ford *rose*—

Keir Starmer: I give way, and I apologise for giving way to the two Members in the wrong order.

Vicky Ford: As a new Member, I also looked at advice on how Parliament has looked at statutory instruments, and I, too, saw that the last time such instruments were annulled by this House was back in 1979. The issue then was the cost of paraffin, and I remember 1979 and the high cost of fuel; it was a significant issue. However, given that the Secretary of State has said in response to the intervention of my right hon. Friend the Member for Broxtowe (Anna Soubry) that he is prepared to consider a sifting process, which means serious issues do come back to this House, what is the right hon. and learned hon. Gentleman's alternative—what is he proposing?

Keir Starmer: It is not as if this point is being made for the first time today: these are the points that have been made since the White Paper was published—the moment we dealt with it. That was in March, the Bill was published in July, and there have been numerous reports since then, and I raised at the time the significant issues I am raising now, and there has been no move from the Government.

Chris Bryant: The key point about clause 9 is that the Government have asked Parliament to allow them to alter the Bill themselves by secondary legislation once it has been enacted. If we look through the history of the 20th century, we will not find a single Bill that has ever sought to do that—not in time of war and not in time of civil emergency. In fact, every single emergency powers Act has expressed said that there shall not be a power for Ministers to alter primary legislation.

Keir Starmer: I am grateful for that intervention. It powerfully—

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

Keir Starmer: I am on my feet answering the last intervention, which powerfully makes the point that this Bill is unprecedented in its scope. That is significant because the Secretary of State will point to some of the

[Keir Starmer]

safeguards under the Bill for the exercise of some of these powers, but if delegated legislation can amend the Bill's powers once enacted then notions of exit day, how far the delegated legislation goes and which procedures are used could be amended by the delegated legislation. So it is a very real point.

Several hon. Members *rose*—

Keir Starmer: I am going to press on.

Mr Rees-Mogg *rose*—

Keir Starmer: I am going to press on.

Let me turn from parliamentary involvement to the protection of rights. Many rights and protections derived from the EU are protected in delegated legislation under the European Communities Act 1972. Because they are underpinned by EU provisions, they have enjoyed enhanced protection—44 years' worth. They include some very important rights: the working time rights of people at work; the rights of part-time and fixed-term workers; the transfer of undertakings provision, which affects everybody who is at work if their company is taken over, so that their contracts are preserved, which is something we all believe in; and all health and safety provisions have been handled by delegated legislation under the 1972 Act, too. It did not matter that it was just delegated legislation, because they had enhanced protection because of the 1972 Act and our membership of the EU. The same is equally true of important environmental rights and protections for consumers. Under this Bill, the Secretary of State says they survive, and I accept that, and he does have a commitment to rights at work, but they do not survive with their enhanced status; they survive only in delegated form. From the date of this Bill, they are amendable by delegated legislation. All of those rights at work, environmental provisions and consumer rights are unprotected from delegated legislation.

Victoria Atkins (Louth and Horncastle) (Con): On health and safety protections, the right hon. and learned Gentleman knows, of course, that there is a 1974 statute—the Health and Safety at Work etc. Act 1974—which gives not just employees safety protections, but members of the public who are affected by conditions in the workplace. Surely that in itself acts as the primary protection to workers in this country under health and safety provisions?

Keir Starmer: No, I am afraid it does not. The Manual Handling Operations Regulations 1992, the Management of Health and Safety at Work Regulations 1999 and the Workplace (Health, Safety and Welfare) Regulations 1992 all post-date that, and in any event that does not deal with all the other rights I have mentioned.

Caroline Lucas (Brighton, Pavilion) (Green): The right hon. and learned Gentleman is making an excellent speech. On environmental standards, does he agree that there is another problem—a governance gap? With the lack of the ECJ and the Commission, there is nothing to enforce those environmental standards, and therefore we need a new legal architecture; judicial review is not enough.

Keir Starmer: I am very grateful for that intervention, because one thing that is not on the face of the Bill is any enforcement provision for rights currently enforced in one or other way through EU institutions, or even reporting obligations. It is fair to say that there is the provision in the Bill for the creation of public authorities—by, guess what, delegated legislation—and maybe that could be used for remedies, but it is by no means clear on the face of the Bill, and that is an important deficiency.

Let me complete this point: does it matter that these rights have lost their enhanced protection? Yes, it does. Taking back control obviously carries with it that this Parliament can change those rights, as the Secretary of State rightly set out, but this is to change them by delegated legislation, not primary legislation; that is an important distinction.

Does it matter? Would anybody have a go—surely not in the 21st century? Well, in June 2014 the current Foreign Secretary called for an end to “back-breaking” employment regulations, specifically the collective redundancies directive. The current International Development Secretary during the referendum campaign called for the Government to halve the amount of protection given to British workers after Brexit. And the International Trade Secretary—[*Interruption.*] I am addressing the question of whether it is conceivable that a Conservative Government might change this; I am reading out the statements of three Cabinet members. In February 2012 the International Trade Secretary—I know the Secretary of State for Exiting the European Union has heard about this quote already this morning—wrote:

“To restore Britain's competitiveness we must begin by deregulating the labour market. Political objections must be overridden. It is too difficult to hire and fire and too expensive to take on new employees. It is intellectually unsustainable to believe that workplace rights should remain untouchable while output and employment are clearly cyclical.”

The Secretary of State for Exiting the European Union has a proud record on human rights and protections of people at work, but these are the statements of Cabinet colleagues, and this power in this Bill allows these rights to be overridden by delegated legislation.

Mr Rees-Mogg: Is there not a fundamental contradiction in what the right hon. and learned Gentleman has been saying? A moment ago he was worrying that power would be lost from this House; now he is saying that power should in fact be with the European Union. Is not the fundamental point of this Bill that it is better that laws should be made by our Government and our Parliament than by an unelected EU bureaucracy?

Keir Starmer: I am obviously a very bad communicator: I thought I was suggesting that workplace rights, environmental rights and consumer rights should only be capable of being taken away by primary legislation. If there is any doubt, I can assure the hon. Gentleman that when I say primary legislation I mean legislation in this House; I thought that was taken as read.

Nicky Morgan (Loughborough) (Con): Does not the last intervention point to the fundamental misunderstanding that some have about this Bill—and I am afraid the Secretary of State mentioned it earlier? The point is whether the UK is going to become a rule-taker rather

than a rule-maker. Our membership of the European Union has allowed us to influence the directives and regulations which have then been taken on board in this House and through our laws. What we are doing in this Bill—I will expand on this in my remarks—is not repealing, but reintroducing European legislation into this country, contrary to the intentions of those who wanted to leave the European Union.

Keir Starmer: I am grateful for that intervention and agree with it.

May I move on to other rights, because they are dealt with more severely? Clause 5(4) singles out the charter of fundamental rights for extinction. There are thousands of provisions that are being converted into our law and will have to be modified in some cases to arrive in our law, but only one provision in the thousands and thousands has been singled out for extinction—the charter of fundamental rights. As the right hon. and learned Member for Beaconsfield (Mr Grieve) argued in an article published yesterday, the principles of the charter provide “essential safeguards for individuals and businesses”.

That has been particularly important in the fields of LGBT rights, children’s rights and the rights of the elderly.

The Secretary of State asks why this matters. I have here the High Court judgment in the case of *David Davis MP, Tom Watson MP and others v. the Secretary of State for the Home Department*. This was in 2015, when the present Prime Minister was Home Secretary. David Davis the Back Bencher was bringing to court the now Prime Minister. He will recall that he was challenging the provisions of the Data Retention and Investigatory Powers Act 2014. He was concerned that they would impinge on the ability of MPs to have confidential communications from their constituents. He continued to make that point in debates that we were having a year or two ago. In his argument, he cited the charter. His lawyers made the argument that the charter was important because it went further than the European convention on human rights and therefore provided added protection.

I will not read out paragraph 80 of the judgment, although I am sure that the Secretary of State is familiar with it. As he knows, the Court found in his favour—he was right: the charter did enhance his rights—and rejected the arguments of Mr Eadie, the distinguished QC representing the then Home Secretary, now the Prime Minister. So when the Secretary of State asks whether this move will make any difference, the answer is yes. We can see that from his case. I suspect that if he were still on the Back Benches, he would now be talking to me and others over a cup of coffee about how we should fiercely oppose clause 5(4) and ensure that it came out of the Bill.

Mr Grieve: The right hon. and learned Gentleman makes an important point. Reading the mind of my right hon. Friend the Secretary of State, I think he asked why this mattered because he would insist that the general principles of EU law being preserved would replace the charter. However, if they are not justiciable because we do not found a cause of action in our courts, the ability to assert those rights would evaporate.

Keir Starmer: That is exactly the point that was made earlier. To say that the changes do not matter because we can find that right elsewhere, but then to remove the right to do anything about an effective remedy, would mean that the exercise had achieved absolutely nothing.

Sir William Cash (Stone) (Con): Would the right hon. and learned Gentleman be good enough to explain why other distinguished gentlemen—namely, Tony Blair and Lord Goldsmith—fought so resolutely to exclude the charter of fundamental rights from the Lisbon treaty and, furthermore, failed because their protocol did not actually work?

Keir Starmer: No. I spent 20-plus years as a human rights lawyer interpreting and applying provisions such as the charter and acting for many people to whose lives it made a real difference, as the Secretary of State will know.

I want to move on the question of devolved powers. At the moment, EU law limits the powers of the devolved institutions. On withdrawal, the default position ought to be that the devolved institutions would have power over matters falling within the devolved fields, but clause 11 prevents that and diverts powers that ought to go to Edinburgh, Cardiff or Belfast to London, where they are to be hoarded. That is fundamentally the wrong approach, but it is totally consistent with the Government’s approach of grabbing powers and avoiding scrutiny.

On that topic, let me deal with exit day, a crucially important day in the Bill. It is the day on which the European Communities Act will be repealed. It is also the day on which the role of the European Court of Justice will be extinguished in our law, and that matters hugely, whatever anyone’s long-term view, particularly for transitional arrangements. I heard the Secretary of State say this morning that he wanted transitional arrangements that were as close as possible to the current arrangements. I think he knows, in his heart of hearts, that that will almost certainly involve a role for the European Court of Justice—although he will say that it would be temporary.

Exit day, the day on which the role of the Court is extinguished, is crucial. Without it, we might not be able to transition on the terms that the Secretary of State was suggesting this morning. He knows that. Control over exit day is therefore hugely important. Who will have that control? People talk about bringing back control, and they might think that Parliament would have control over this important issue. But no. Enter clause 14, which states that

“‘exit day’ means such day as a Minister of the Crown may by regulations appoint”.

This will be in the sole power of a Minister. Anyone simply passing this Bill must be prepared to be a spectator on the question of what the transitional measures should be and how they operate. That is a huge risk to our national interests.

Wes Streeting: The Secretary of State said earlier that it was “silly” of me to raise the transitional arrangements in relation to our continuing to be in the single market and the customs union. If the Bill is enacted and we are outside the purview of the ECJ and not subject to EU law, we will effectively be ruling out membership of the

[*Wes Streeting*]

single market and the customs union during the transition. How will that bring stability and certainty to British businesses? Why is this provision in the Bill?

Keir Starmer: This is the conundrum that the Secretary of State and the Bill have created. If exit day is in March 2019, it is difficult to see how we could transition on terms similar to those we are now on. What could we do? We could choose to push exit day two years down the line. [*Interruption.*] No? Well, if we did not do that, but we recognised that the ECJ was necessary to the process, we would end up repealing what was once this repeal Bill, only to have to bring it back in again. That is the extent of the absurdity of the powers in the Bill.

Joanna Cherry: The right hon. and learned Gentleman is making an outstandingly concise and forensic speech dissecting the difficulties in the Bill. He has drawn our attention to the problem with the definition of “exit day”. Does not that problem also feed into the delegated legislative powers? Clause 7(7) states that Ministers cannot make regulations

“after the end of the period of two years beginning with exit day.”

If exit day is going to disappear down the line, as the shadow Secretary of State has suggested, would not the power to make delegated legislation continue for even longer than the Government are now proposing?

Keir Starmer: It certainly could. The only way out of that would be to have multiple exit days. Members might think I am joking, but someone who drafted the Bill has thought of that, and it is conceivable that there could be multiple exit days, all chosen by a Minister and not by Parliament.

The combined effect of the Bill’s provisions would be to reduce MPs to spectators as power pours into the hands of Ministers and the Executive. This is an unprecedented power-grab—“rule by decree” is not a mis-description—and an affront to Parliament and to accountability. The name of the Bill was changed from the great repeal Bill to the European Union (Withdrawal) Bill. The word “great” should have been preserved, however. The title should have been changed to the great power grab Bill. Labour voted for the article 50 legislation, because we accept the referendum result. As a result, the UK is leaving the EU. That we are leaving is settled. How we leave is not. This Bill invites us to surrender all power and influence over that question to the Government and to Ministers. That would betray everything that we are sent here to do. Unless the Government make very significant concessions before we vote on Monday, Labour has tabled a reasoned amendment and will vote against the Bill.

1.40 pm

Mr Kenneth Clarke (Rushcliffe) (Con): The Opposition spokesman has just reminded us that this Bill was trailed for a long time as the “great repeal Bill”, which is a very unlikely title. Fortunately, it repeals hardly anything at all, which is one blessing. One thing that it does repeal, however, is the European Communities Act 1972, which is a particular irony for myself and, no doubt, for the hon. Member for Bolsover (Mr Skinner), as we well remember that Act. I was then a Government

Whip and engineering, mainly by co-operating with the Jenkinsite faction of the Labour party, how we were to get the vote through against the rebellious, imperialist Euro-sceptics who were then on our Back Benches. It is therefore an irony that a complete mirror-image debate now presents itself to me rather many years later.

My starting point is where the right hon. and learned Member for Holborn and St Pancras (Keir Starmer) finished. I have to accept that we are going to leave the European Union. I accept that because this House passed the legislation to enact article 50 by a large majority. I argued and voted against it, but it went through, and it is idle to pretend that it is politically possible for that to be reversed. The question now is how we leave. I quite accept my right hon. Friend the Secretary of State’s basic premise that technical legislation is required to ensure that it is practicable to get a smooth legal transition, but I do not think that the Bill confines itself to that aim, as has just been said. A Bill of this kind is necessary, and we will have to vote for it, but the question is whether this particular form of the Bill is remotely acceptable.

I studied the amendments tabled by the official Opposition, and indeed those tabled by large numbers of other Members, and my conclusion was that I found myself agreeing with the overall majority of the sentiments and opinions in all of them. The one thing that gave me a problem was that they all suggest that the House

“declines to give a Second Reading”

to the Bill, which would stop any possibility of our making the required changes. However, minded as I am to contemplate voting for Second Reading, I will need some assurances before we get there, in particular that there will be sufficient movement on some of the unanswerable points being made about parliamentary democracy and a smooth transition to whatever the alternative is, so that the Bill becomes something other than wrecking legislation if it proceeds. I have not decided yet—I am actually going to listen to the debate, which is a rare feature in this House, because if we were to defeat the Second Reading, the Government would be obliged to bring back another Bill to try to achieve the same purpose. If the Government will not move in the next two days of debate, we may have to force them to go back to the drawing board and try again to produce a Bill that is consistent with our parliamentary traditions and that gives this House the control that leaders of the leave campaign kept telling the British public during the referendum campaign they were anxious to see.

Mr Bernard Jenkin (Harwich and North Essex) (Con): Will my right hon. and learned Friend give way?

Mr Clarke: I will not, because large numbers of people want to speak and I want to touch briefly on the time constraints. During the proceedings on the 1972 Act, I have no doubt that the hon. Member for Bolsover, like me, sat through days and days and weeks and weeks of very high-quality debate. It was a historic moment and it was not constrained by these Blairite notions of family-friendly hours, timetables and so on. I do not want to go back to the all-night filibustering and some of the nonsense that led to those practices being discredited—that is not suitable in the 21st century—but this Government began this process by trying to argue

that the royal prerogative enabled them not even to bring article 50 before the House. They have been trying to reduce parliamentary scrutiny and votes ever since the whole thing started.

As a simple example, I raised with you a few moments ago, Mr Speaker, the question of the 5 o'clock rule. Apparently we all have to stop at 5 o'clock this afternoon. It would reassure me about the Government's intentions if the opportunity were taken to lift that limit now. The Leader of the House only has to rise at some time in the next hour or so and say that the 5 o'clock will not be invoked today, and all the time constraints that we face will not be a problem. I hope that the Bill's programme motion will not confine debate to a comic number of days. The speech of the right hon. and learned Member for Holborn and St Pancras showed how complex some of the debates will be, and we do not want to be told that we have to give legal analysis in five minutes flat or be cut out by some quite unnecessary timetable. We have at least until the end of 2019 to get these procedures right.

There are two broad issues. One of them I will leave alone because the concerns have been dealt with brilliantly and will dominate a lot of today: the Henry VII clause, the sweeping powers and the extraordinary nature of the legislation. I will not try to compete with what I think, with respect, was a brilliant speech from the right hon. and learned Gentleman, and I hope that we will hear some reply to it over the next two days of debate—I am sure that my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) will touch on it.

My own analysis of clauses 7 and 17 is probably not up to the standards that have already been demonstrated, and there is no point in repeating the case, so I will just say one thing to my right hon. Friend the Secretary of State and his colleagues about what I expect in response. We are told that conversations will be held with my right hon. Friend the Member for Broxtowe (Anna Soubry), and I am delighted to hear that. We are told that we will have assurances about how Ministers are going to use the powers, but at every stage in my right hon. Friend the Secretary of State's speech he actually defended the wording in the Bill, as he had to, and did not make the faintest concession either to the justifiable concerns about the impact on devolution or to the even bigger concerns about whether we are going to fritter away parliamentary democracy in this House by passing the Bill in its present form.

I know that my right hon. Friend is sincere in his assurances. He is one of the people in this House whom I would trust to seek to deliver what he is offering to us, but the reality, as someone has already said, is that we are all transient in politics. He will come under pressure from some of his colleagues, and we have no idea who will be in any particular post in 18 months' time. The letter of the law will determine the scope for parliamentary scrutiny. I do not want more assurances or charm; I want positive amendments and changes. The Government will salvage their reputation if they take the lead and produce amendments that answer the points made by the right hon. and learned Member for Holborn and St Pancras, and if they reassure us that the drafting was a misunderstanding. Better drafting can make it the no-policy-change, technically necessary Bill that I would quite happily support.

The second issue, very briefly, is the question of staying in the single market and customs union during the transitional period. Of course we will have a transitional period, of course it has to be a smooth transition and of course by the end of 2019 we will negotiate a basis for future free trading arrangements, but the Government have to move, just as the Opposition have moved. I made a speech in the Queen's Speech debate explaining why I am in favour of staying in the single market and customs union at least for the transitional period, and I then answered the various arguments that are routinely thrown out, so I will not repeat any of that now.

There is now only a whisker of difference between us. I do not deceive myself that I converted the Labour party, which has tabled an amendment identical to my arguments in the Queen's Speech debate, with which it did not then agree, but its proposals are remarkably near the Government's proposals.

We all know, and British business knows, that we need a smooth transition. We do not need change until we are certain that we have some acceptable new arrangements. The Government's position paper on customs arrangements—I will not read it all—says:

“This could involve a new and time-limited customs union between the UK and the EU Customs Union, based on a shared external tariff and without customs processes”.

I will not go on, but there is an absolute whisker of difference between the Government's paper and what the Opposition are now saying, and what everybody of the slightest common sense, in my opinion, is saying—that we should stay in the single market and the customs union until we know that we can smoothly transfer to some new and equally beneficial arrangement. Again, I would like some reassurances on that.

I detect in the wording of the Bill and the Opposition's amendment that we are crawling towards the cross-party approach that will obviously be required to settle this in the national interest. It is absurd for the Labour party to say that it is all agreed on the new policy it has adopted, and it is absurd for the Conservative party to say, “We're all agreed on whatever it is the Secretary of State is trying to negotiate in Brussels.” The public are not idiots; they know that both parties are completely and fundamentally divided on many of these issues, with extreme opinions on both sides represented in the Cabinet and shadow Cabinet, let alone on the Back Benches.

Let us therefore resolve this matter. Let us make sure this Bill does not make it impossible to stay in the single market and customs union, and let us have a grown-up debate on the whole practical problem we face and produce a much better Act of Parliament than the Bill represents at the moment.

1.53 pm

Peter Grant (Glenrothes) (SNP): I commend the right hon. and learned Member for Rushcliffe (Mr Clarke) and, in particular, the shadow Secretary of State, the right hon. and learned Member for Holborn and St Pancras (Keir Starmer), for their two outstanding contributions.

This Bill, and the whole Brexit process, not only gives us an opportunity but requires us to go right back and think fundamentally about what Parliament is for and what democracy is about. The Scottish National party

[Peter Grant]

supports as a fundamental principle the ancient and honoured tradition that sovereignty over the land of Scotland is inalienably vested in the people of Scotland. That principle is not for sale now, or at any time, to anybody.

This Bill seeks to usurp and undermine that sovereignty in a number of ways, which I will mention later. That fact alone compels me to vote against the Bill on Monday night, and it compels anybody who believes in the sovereignty of the people of Scotland, and anybody who purports to be here on their behalf, to oppose the Bill on Monday night, regardless of the party that is trying to get them to do something different.

As it is Labour's reasoned amendment that has been selected, we will be supporting it on Monday night with some reservations. First, given that 62% of our citizens voted to remain in the European Union, I am certainly not ready to give up on that for the people I represent. I fully understand and respect the fact that two nations of the United Kingdom voted to leave, but I ask the Members of Parliament from those two nations to respect the fact that the other two nations voted to remain and that their votes cannot simply be cast aside.

Secondly, the reasoned amendment refers to parliamentary sovereignty. I respect that that is an important principle for some people, but it does not apply universally across the nations of these islands.

Stephen Kerr (Stirling) (Con): Is the hon. Gentleman not aware of the question that was on the ballot paper? It was a United Kingdom question and a United Kingdom vote, and we voted as a United Kingdom to leave the European Union. That is what we decided. Does he not understand that?

Peter Grant: I do not know which part of "the people of Scotland are sovereign" the hon. Gentleman does not understand. The people of Scotland are sovereign, and I will defend their sovereignty. I urge all Members of Parliament from Scotland to respect that sovereignty when the time comes.

My final concern with Labour's reasoned amendment is on the transitional period.

Luke Graham (Ochil and South Perthshire) (Con): Will the hon. Gentleman give way?

Peter Grant: I need to make some progress.

I welcome that we now have a lot more clarity from Labour on the benefits of membership of the single market and customs union, and I welcome that it mentioned those benefits in its reasoned amendment. I am disappointed, given that everybody now knows—the Norwegians certainly know—there is absolutely no reason why being out of the European Union means we have to be out of the single market, that Labour has not yet come round to a position of saying that we should attempt to stay in the single market permanently after the UK leaves the European Union. Having said that, Labour's reasoned amendment is a vast improvement on allowing the Bill to go ahead unchallenged, so we will support it on Monday evening.

Several hon. Members *rose*—

Peter Grant: I will not give way just now.

In all the reasoned amendments that have been tabled, MPs from different parties have come up with a huge number of powerful reasons for rejecting the Bill at this stage, which tells us that it has a huge number of serious and sometimes fundamental flaws that mean it cannot be allowed to proceed in its present format. If that is a problem for Government timetablers, tough. The interests of my constituents are far more important than the interests of Government business managers.

I will address four particular weaknesses in the Bill, some of which have already been ably covered. First, the Bill proposes an act of constitutional betrayal. It gives a Tory Government in London the right to claw back any powers it fancies from the elected Parliaments of the three devolved nations of the United Kingdom. That is not just a betrayal of those who campaigned for so long for the establishment of those Parliaments, it is a betrayal of the great parliamentarians of all parties and none who have worked so hard to make those Parliaments succeed.

Luke Graham: The hon. Gentleman talks about representing Scotland, but let us remember that 1 million Scots voted to leave. In fact, a third of SNP voters voted to leave. [Interruption.] Those are public stats. What he is actually saying is that, if he truly wants to represent his constituents, he should respect the democratic will of the United Kingdom, which is what he, like all of us, is in this Parliament to do. If SNP Members want to be stronger for Scotland, I suggest that they engage by tabling detailed amendments rather than trying to create a wedge between the nations of the United Kingdom.

Peter Grant: I will happily see the hon. Gentleman's 1 million Scottish votes to leave the European Union and raise him 1.6 million Scottish votes to leave the United Kingdom, not to mention the 2 million or so who voted to remain in the United Kingdom, because he and his colleagues promised unconditionally that that was the way to protect our membership of the European Union.

Several hon. Members *rose*—

Peter Grant: I will take no more interventions from people whose position on the European Union has changed so radically over the past couple of years.

Returning to the attempt to grab power back from the devolved Parliaments that so many of us worked so hard to establish, many of those who take the greatest credit for their establishment, such as the great Donald Dewar, are not here to see the success of what they created, and I shudder to think what they would have thought of these attempts completely to emasculate all three devolved Parliaments.

We are seeing a betrayal of the promises—one could almost say the "vow"—that certain people made to the people of Scotland just three years ago: the most powerful devolved Parliament in the world, they said; Scotland should lead the Union, they said; parity of esteem and an equal partnership of nations, they said. What definition are they using if the Prime Minister, who takes her authority from this Parliament, decides it is beneath her status even to meet the First Ministers, who take their authority from their respective national Parliaments? What definition of "equality" or "parity of esteem" are

the Government using? Where is the parity of esteem if the Joint Ministerial Committee, trumpeted by the Tories less than a year ago as the epitome of good relations between our four national Governments, has not met for seven months? I note, however, that, completely coincidental to an attempt by my hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford) to have an urgent debate on the matter, the Government have now decided they are going to reconvene the JMC at some time in the autumn. I hope they will not fall back on the claim that autumn finishes on 30 November. I welcome the fact that they have given way to some pressure and are now going to reconvene the JMC, but the fact is they have done nothing, even ignoring a request for a meeting by the national Governments of Wales and Scotland, which they had promised to act on within one month. They broke that promise, as they have broken so many other promises to the peoples, Parliaments and Governments of those devolved nations.

Wayne David: Does the hon. Gentleman agree that it would be simple and straightforward for the Government to accept the reality of devolution and that where there is the repatriation of powers from Brussels in devolved areas they should go directly to the devolved institutions?

Peter Grant: Absolutely—that is what devolution means; if the powers are currently devolved, they should remain devolved.

If we cannot trust the Tories to keep their word on something as simple as arranging a joint meeting of Ministers, nobody in any of the devolved nations can trust their assurances that the draconian new powers in this Bill will not be abused. Our experience of promises from the Tories suggests we cannot take them at their word unless the legislation is nailed down so tightly that they have no wriggle room to go back on their word.

We have heard a lot of rhetoric about some issues needing a “UK-wide approach”. I wonder how the UK-wide approach to agriculture, animal welfare and food standards is going to work in Northern Ireland, because regardless of what the legislative or constitutional position will be, the matter of business survival means that the food industry in Northern Ireland will follow the same standards as are followed in the Republic of Ireland—the same standards as apply in the EU will be followed. So we are talking about different animal welfare standards in Northern Ireland from those in the rest of the UK, and I cannot really see how that is working.

What a UK-wide approach has been shown to mean in practice is that the Prime Minister and a few hand-picked colleagues get the right to dictate to the peoples of these islands and to our elected Governments. For example, the need for a “UK-wide approach” led to Scotland’s fishing industry being sold out by the British Government when we first joined the EU and there is a serious danger that it will lead to those fishermen being sold out yet again as part of the process of leaving.

My second concern is about the all-encompassing powers set out in clause 9, which was superbly torn to shreds by the shadow Secretary of State a few minutes ago. One of the Prime Minister’s own Back Benchers, the right hon. Member for Broxtowe (Anna Soubry), described this on Wednesday as an “unprecedented power grab”, and there is no other way it can be

described; 649 elected MPs will be expected to stand by and watch while a single Minister, with a single signature, can make new legislation. This includes the right to make legislation that should require an Act of this Parliament. The only requirement there will be on the Minister is that she or he thinks the legislation is a good idea. When we have Ministers who think that welching on the Dubs amendment and introducing the rape clause were good ideas, I am looking for a slightly harder test than a Tory Minister thinking that something is a good idea.

These new powers are often referred to as Henry VIII powers. Henry VIII was a despot with no interest in democracy, who thought Scotland and Wales were just places to be conquered and trampled on, so perhaps this is not such a bad name for something this Government are doing, but using that nickname hides the danger of these proposed powers. Despite his murderous deeds, a lot of people see Henry VIII as a figure of fun and pantomime villain—someone who even got to star in a “Carry On” film. But the fact is that the powers in this Bill are more “Nineteen Eighty-Four” than “Carry On Henry”. The powers that bear his name are anything but funny. They represent a significant erosion of parliamentary democracy; indeed to those Members here who believe in the doctrine of parliamentary sovereignty, I say that the powers in this Bill are utterly incompatible with that idea. This is not about taking back control to Parliament and resuming parliamentary sovereignty for those nations of the UK where parliamentary sovereignty exists. This Bill threatens to destroy it, once and for all. The powers are designed to allow Ministers to bypass all pretexts of parliamentary scrutiny. It is even possible that we could see an Act of Parliament receive Royal Assent one day and then be repealed by a Minister the next, simply because they thought it was a good idea.

The Government will argue that delegated powers are an essential part of modern government, and I agree. We do not have an issue with the principle of using delegated legislation. We do have an issue with allowing delegated legislation to be abused in order to bypass proper scrutiny. The only way this House can be satisfied that the powers will not be abused is if the Bill is reworded to make it impossible for them to be abused in that way.

The third significant weakness in the Bill has been touched on and it relates to our membership of the biggest trade agreement in the world. We are going to throw that away. We are talking about the loss of 80,000 jobs in Scotland and the loss of £11 billion per year coming into our economy as a result. The figures for the rest of the UK will be proportionate to that. This is being done simply to pacify the extreme right wing of the Conservative party and their allies, whose obsession with the number of immigrants has blinded them to the massive social and economic benefits that these EU nationals have brought to my constituency and, I suspect, to every constituency in the UK. The sheer immorality of the isolationist, xenophobic approach that the Conservatives are trying to drag us down is there for all to see, but it is not just immoral—it is daft. It threatens to destroy our economy. Already we are seeing key sectors in industry and key public sector providers struggling to recruit the staff they need. It was reported a week or two ago that a private recruitment firm is

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being offered £200 million just to go to persuade workers to come to the UK to work in our health service. I have a hospital in my constituency that we could rebuild for £200 million quite comfortably, yet this money is going to be handed to a private firm to try to undo some of the damage that has been done by the Government's obsession with the immigration numbers. With the collapsing pound making British wages are worth a lot less to European workers than they were before, with the anti-European rhetoric and hysteria that we still get from Government Members and with the Government still refusing to give European nationals the absolute, unconditional and permanent guarantees that they deserve if they choose to come and live here, those recruitment difficulties are going to become much, much worse before they get any better. The Secretary of State wants our EU partners to be innovative, imaginative and flexible. I urge him to apply these same qualities to his Government's attitude to membership of the single market.

I have mentioned the plight of EU nationals, and another major concern, which again has been raised, particularly by the shadow Secretary of State, is that this Bill threatens to undermine the rights of not only EU nationals but of everyone, regardless of their nationality or citizenship, who lives on these islands. I hear the promises from the Government, but we have had promises from this Government before. They are not worth the paper they are written on, even if they are not written down on paper at all.

At yesterday's Prime Minister's questions we had the usual charade of a Tory Back Bencher asking a planted question so that the Prime Minister could confirm how successful the Government have been in bringing down unemployment. She went so far as to say that unemployment in the UK is at its lowest for more than four decades, so let us just think about that. The Prime Minister is telling us that unemployment is lower now than it was when we went into the European Union and the single market. How can the Conservative party boast about having almost done away with unemployment altogether and then say that immigrants are to blame for the huge unemployment problem? The fact is that the free movement of people—free movement of workers—and membership of the single market has not caused unemployment; it has caused employment. It has benefited our economy and helped our businesses to thrive. It keeps schools open in places where they would otherwise have closed. All the evidence suggests that the most successful, wealthiest and happiest countries in the world—those with the highest standard of living, whether material or in the things that really matter, are countries that are open and inclusive. The Government are trying to move us away from that to become one of the most isolationist and isolated economies in the world. Only five countries are not part of a trade agreement, but none of them is a country we would want to see as an example.

The Government's mantra on Brexit has been about taking back control, but that will not happen—at least not in the way that the people who voted to leave hoped it would happen—because it is not about taking back control to the 650 people who collectively hold a democratic mandate from our constituents to represent them; it is

about taking back control from this Parliament and putting it into the hands of a few Ministers. It is about taking back control from the devolved and elected national Parliaments and Assemblies of Scotland, Wales and Northern Ireland and putting it into the hands of a few chosen Members of a political party that cannot get elected into government in Scotland, Wales or Northern Ireland. The Bill allows Ministers to usurp the authority of Parliament and gives them absolute power to override the will of Parliament.

A lot has been said about the UK Government's red lines in the Brexit negotiations, and I will give the Minister one red line from the sovereign people of Scotland: our sovereignty is not for sale today and will not be for sale at any future time—not to anyone and not at any price. The Bill seeks to take sovereignty from us, probably more than any Bill presented to this Parliament since we were dragged into it more than 300 years ago. That is why I urge every MP who claims to act on behalf of the people of Scotland, who believes in the sovereignty of the people and who believes in the sovereignty of democratic institutions to vote with us and against the Bill on Monday night.

Mr Speaker: Order. A 10-minute limit on Back-Bench speeches will now apply.

2.11 pm

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con): I will endeavour to be brief. In rising to support the Bill in principle and in many cases in fact, I also offer my support to my right hon. Friend the Member for Haltemprice and Howden (Mr Davis). He remembers that in the lead-up to the Maastricht debate, we had quite a long Second Reading.

Mr David Davis: I organised that.

Mr Duncan Smith: Exactly. I wonder whether, through my right hon. Friend's good offices, the powers that be might make it possible to have a further extension on Monday to give more Back-Benchers an opportunity to speak. I say that because I remember the Maastricht debates, where we went through the night on the first day and ended the second day at 10 o'clock. Everyone got to speak—as many people wanted to speak then as now—and there was no time limit, as I recall, Mr Speaker, although I make no criticism of your imposing a time limit on me, as I am sure I will manage to fit within it. I just gently urge that there might be some scope for such an extension, even by Monday.

I support the Bill because it is clearly necessary. Let us start from the simple principle of how necessary it is. We have to get all that European law and regulation and so on transposed into UK law so that it is applicable, actionable and properly justiciable in UK law, and that requires a huge amount of action. There are very many pages of laws. I was looking at them the other day and I said, "If we were to vote on everything in that, we would have to have something in the order of 20,000 different votes." There is no way on earth that that can possibly happen.

I listened with great care to the arguments of the right hon. and learned Member for Holborn and St Pancras (Keir Starmer). I thought he made a very well-balanced speech and made his case for the need for change within

the Bill rather well, but I would argue that the Labour party's position does not fit with his speech. I go back to Maastricht, when John Smith led the Labour party. Because he was a strong believer in the European Union, the Labour party voted to support the legislation, but it then acted separately in Committee, where it opposed elements of the legislation that it did not agree with or thought needed changing. That is the position that the Labour party should adopt.

In other words, the reasoned way that the Labour party should behave is to reserve its position on Second Reading and then, subject to whatever changes it thinks necessary in Committee to the detail of the Bill, make a decision about what to do on Third Reading. To vote against the principle of the Bill is to vote against the idea that it is necessary to make changes to European law in order to transpose it into UK law. That is the absurdity that the Opposition have got into.

I know what it is like; we have been in opposition. There is a temptation to say behind the scenes, "I tell you what: we could cause a little bit of mayhem in the Government ranks by trying to attract some of their colleagues over to vote with us against Second Reading." Fine—they fell for that, but the British public will look at this debate in due course and recognise that the Labour party ultimately is not fit for government.

In a sense, the detail of the Bill is not the issue; it becomes the issue once we have got through Second Reading. I accept and recognise that the Government have talked about possibly making major changes to the Bill. I observe that we are therefore not in disagreement about the need for the Bill. That is why the House should support the Bill's passage, but there may be elements in it that need some change.

I note also that paragraph 48 of the report by the Select Committee on the Constitution, published this morning, which the right hon. and learned Member mentioned, states:

"We accept that the Government will require some Henry VIII powers in order to amend primary legislation to facilitate the UK's withdrawal from the European Union".

However, the report goes on to say that there also need to be

"commensurate safeguards and levels of scrutiny".

So the debate is not about the need—

Sir William Cash: I would just like to mention, if my right hon. Friend will allow me, that it would not be unuseful to look at the names of the members of the Constitution Committee and make a judgment about their enthusiasm for leaving the European Union.

Mr Duncan Smith: I am grateful for that intervention by my hon. Friend. I know he will be able to make a powerful case in support of the Bill, and he is right, but I will come back to that point.

The basis on which people are arguing—that there has never been a great sweep of powers coming through Henry VIII procedures—is completely and utterly wrong. The reason why I became so concerned about what was happening under the European Union treaties is that section 2 of the European Communities Act 1972 clearly states that all the rules and regulations coming through treaties

"are without further enactment to be given"

immediate legal effect and

"shall be recognised and available in law".

It goes on to say that

"Her Majesty may by Order in Council"—

Order in Council, which is not the procedure in this Bill—

"and any designated Minister or department may by order, rules, regulations or scheme, make provision".

We have sat with that for 40 years, and we have been content to let rules and regulations be made in that way.

To those who talk about rule-takers and rule-makers, such as my right hon. Friend the Member for Loughborough (Nicky Morgan), I say yes, that was the case up until the Maastricht treaty, when qualified majority voting came in. We became rule-takers under that provision, and there has never been a more powerful one in British legislative history. I just sound a cautionary note to some of my colleagues on either side of the House who go on about this being the first time; it is not so.

Mr Grieve: I have great sympathy with my right hon. Friend's critique of European Union law. It is one of the reasons why the Brexit referendum ended up in the way it did, but that cannot be a justification for two wrongs making a right. The fact is that we do not need to legislate in this fashion in order to carry out the technical task of leaving the EU, and I remain utterly bemused as to why the legislation has been drafted in this form.

Mr Duncan Smith: I am not asking for two wrongs to make a right; I support the principle of the Bill and the need for it, but I recognise that in Committee there will be need to review how some of those checks and balances are introduced, and I hope that is done properly and powerfully. What my right hon. Friend the Member for Haltemprice and Howden said at the Dispatch Box gave indication to my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) that there is scope to look at that. So the argument is not about the powers in the Bill; the debate is about how we reassure ourselves as a parliamentary democracy that the checks and balances exist such that, given the very profound nature of what is happening, we can achieve a balance and not delay the necessary changes.

The Opposition are in a peculiar position, but the Scottish nationalists are in a ridiculous position. For years and years they have sat by, content to see all the powers exercised in Brussels exercised there without their having any say. The moment we talk about leaving the European Union and bringing those powers back to the UK, they are up in arms because they feel betrayed that they do not exercise those powers. Where were they over the last 40 years when those powers were given away?

Joanna Cherry: Will the right hon. Gentleman give way?

Mr Duncan Smith: I am not going to give way; I do not want the hon. and learned Lady to embarrass herself any more with the ridiculous argument that her party colleagues make. The truth is that they will leap on any excuse. My response to them is that those

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powers are not being stolen away; they are being reassured that what the Government then devolve back down to them will be more than they have ever had before. That reassurance has been granted and given.

The Constitution Committee paper is rather good. It makes another important point, which relates to the three closing recommendations I wish to make. I hope the Government will look at three areas. The first is the application of statutory instruments. The Government have accepted that we should have an explanatory memorandum that tells us what was in place before and what will happen afterwards, but they should also accept the recommendation that the Government should provide an explanation as to why an instrument is necessary. It is important that people can recognise quickly what the Government intend. I hope the Government will think about that.

When I was at the Department for Work and Pensions, a statutory body called the Social Security Advisory Committee had the role of looking at legislation as it was about to be introduced. Sometimes that is awkward when one is the Secretary of State, but none the less it makes recommendations. Will my right hon. Friend the Secretary of State look again at such a process? It may offer the Government a way to reassure people that the things they are about to do may well be absolutely necessary.

Here is the deal. We are asking that whatever is done under the purposes and powers of the Bill is done for one simple reason: to transpose existing law with existing effect, so that that effect does not change. If the single exam question is asked of a body like the Social Security Advisory Committee, “Is this instrument doing that?”, that might help to reassure Parliament. I urge the Government to consider that because it works in one area of detailed and consequential legislation, so I wonder if it might work in this area, too.

I am not going to go into a lot of detail, but my final recommendation is on the point made by the right hon. and learned Member for Holborn and St Pancras about the exit day. I am one of those who think we ought really to have that in the Bill, because he is right that on it hinges just about everything. For example, the Government have moved a long way on the sunset clauses, for which I thank them, because it is important to put an end date on the powers that exist in the Bill. The question is about the two years, but the real question is: when does the two years start and thus when does it end? That would answer a lot of the questions that the right hon. and learned Gentleman raised about how far the Government might go in changing future legislation and everything else. As a strong supporter of the Bill, a strong supporter of the Government and a strong supporter of the principle, and as a big supporter of the idea of leaving the European Union, I urge the Government to think very carefully about what they do about that date.

In conclusion, I simply say that I absolutely support the Government on the principle of the Bill, as well as on the vast majority of the practicality and how it will be implemented, but I recognise that, in Committee, the Government will look again carefully at some of the need to provide some checks and balances as assurances to the House. We all want that, because none of us wants to defy the will of the British people, which is to

leave smoothly, in a manner that does not bother business or upset individuals over their rights and their accepted ways of working.

I urge the Government to listen, but I congratulate them on getting to this point and getting us out of the European Union.

2.23 pm

Hilary Benn (Leeds Central) (Lab): First, I just say to the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith) that this is not about defying the will of the British people; it is about how sensibly we are going to give effect to it. The referendum campaign seems a long time ago now, but during it we heard endless assertions that the process of leaving the European Union would be easy, straightforward and all those things. Anyone who looks at the Bill will see with their own eyes just how wrong the people who said that were. Despite the brave face that the Secretary of State habitually puts on things, it must now be dawning on Ministers that their assertion that they would be able to negotiate the whole thing—a comprehensive agreement covering all the things we need and all the benefits we want—by the end of the article 50 process is not now going to be possible. The reason why both those assertions have failed to survive contact with reality is not for want of effort, but because of fundamental disagreements in the Government about what the policy should be, which has resulted in delay, and because the task is Byzantine in its complexity. I do not envy civil servants, who are working hard, or indeed Ministers, and I do not envy the House the task that confronts us, but we have a duty to be honest with each other and with the British people about the choices that we face, their consequences and the fact that we have to do all this against the ticking clock.

Apart from the repeal of the European Communities Act 1972, the Bill is not about whether we leave the European Union—a point the Secretary of State made in his opening speech—because that decision was taken in the referendum and given effect by the triggering of article 50, and we will leave at the end of March 2019. The Bill is about trying to ensure that our law is in shape when we leave. We all accept that there is a need to do that, and we all therefore accept that a Bill is necessary. But that does not mean that Parliament should accept this Bill, which is the 2017 equivalent of the Statute of Proclamations of 1539. I gently remind the Secretary of State that the Exiting the European Union Committee did urge him to publish the Bill in draft. Had he done so, he would be having fewer difficulties now, because its flaws and weaknesses are fundamental—they were brilliantly exposed in the speech by my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer). The Bill is not about taking back control. If Ministers continue to fail to take Parliament’s role seriously, we will have to continue to prod, push and persuade or, in the case of the right hon. and learned Member for Rushcliffe (Mr Clarke), to gently threaten, so that Ministers understand that in this Parliament—this is a new Parliament; it has been christened the Back Benchers’ Parliament, and rightly so—they are going to have no choice but to listen to what Parliament has to say.

On the detail of the Bill, if they remain unamended, clauses 7, 8 and 9 would grant Ministers new and unprecedented powers. Ministers are asking us to give

them a legislative blank cheque; we should not do so. How can we accept a Bill if on the one hand Ministers get up and say, “Look at the safeguards; they are in the legislation,” and on the other they propose in another part of the Bill to give themselves the power to remove every one of those safeguards, if they are so inclined? How does that build a sense of confidence and reassurance? I accept that there is a balance to be struck between giving Ministers the latitude and flexibility to do what needs to be done and Parliament having control to scrutinise and decide, but as they stand, the delegated powers do not achieve that balance, which is why the Secretary of State is going to have a very long queue of Members outside his office wanting to have a conversation. If he wants to save himself some time, he should come forward with his own amendments.

Chris Philp: It sounds as though the right hon. Gentleman agrees with the principle and thrust of what is being attempted here but has some comments on the detail and the mechanics. Will he therefore vote for the Bill on Second Reading and seek to address some of his concerns by amending it in Committee?

Hilary Benn: No, I will not—unless the Government move on this—because the flaws are so fundamental that they should go away and do their homework again. Not a single person in this Chamber does not accept that legislation is required to undertake the task; we are just saying that it is not the legislation before us.

There is a huge difference between a statutory instrument that proposes in some regulation to delete the words “the Commission” and insert the words “the Secretary of State for Environment, Food and Rural Affairs” and a statutory instrument that will, for example, give responsibility for the oversight and enforcement air-quality legislation, which derives from an EU directive, to an existing public body. What assurance can Ministers give us that whichever body is given that responsibility will have the same effective enforcement powers as the Commission has had, including ultimately taking case to the European Court of Justice, and will give the public the same power to hold that body and the Government to account if there is a continuing lack of progress in making sure that our air is pure enough to breathe? If that is not provided for, Government cannot argue that the Bill’s aim is to produce exactly the same situation the day after we leave as existed the day before. Therefore, as many people have said, the Bill will have to produce a mechanism for sifting. We need to sift the proposals that come forward, so that we can distinguish the absolutely straightforward and non-controversial and those that raise really quite important issues of policy, so that we as Parliament can do our job.

Sir Oliver Letwin (West Dorset) (Con): I have a very simple question for the right hon. Gentleman. Does he agree with the proposition put forward by my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith) that the Social Security Advisory Committee is a clear model of such a mechanism?

Hilary Benn: It was an interesting proposal, but, personally, I think that others can give advice, but in the end the sifting must be done by Parliament or a body established by Parliament and made up of parliamentarians. That is my clear view.

Anna Soubry: Does the right hon. Gentleman agree that the existing Joint Committee on Statutory Instruments could be that very body to do this exact work of triaging and sifting?

Hilary Benn: That would be one possibility. I hope that the Government will listen to all these suggestions and come forward with a proposal. I welcome what the Secretary of State said in response to my point about the relationship between Parliament voting on the withdrawal agreement and the exercise of the powers under clause 9. He was kind enough to say it was a logical point, so will he reflect on putting it in the Bill?

On how EU principles will be incorporated into our law and interpreted, I agree absolutely with the point made by my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) about the charter of fundamental rights: it needs to be brought across into our law not least because, as we have heard, the Secretary of State relied on it in the case that he brought. The same argument applies to the environmental principles that were set out in the Lisbon treaty. If Members look at the explanatory memorandum, they will see that it has an illustrative list of directly effective rights that derive from EU treaties that the Government say they intend to bring across under clause 4. However, it does not include the provisions of article 191 of the Lisbon treaty, which cover environmental principles and protection, and that will need to be remedied.

Finally, I want to turn to the state of the negotiations, which will have a huge impact on the way in which the Bill is used. The Secretary of State told Andrew Marr last Sunday that this is

“the most complex negotiation probably ever, but certainly in modern times.”

He is of course right, which raises the question: why do ministers, I am sorry to say, still pretend that a comprehensive relationship can now be negotiated in the 10 and a half months that now remain? Here we are, 15 months after the referendum and six months on from the triggering of article 50, and, as we know from the Secretary of State’s statement on Tuesday, the Government have not yet sorted out the money, citizens’ rights or Northern Ireland.

Michel Barnier has been absolutely clear that the negotiations must be completed in 10 and a bit months’ time, so that everyone involved can look at the deal. We have to take a view, as do other bodies such as the European Parliament and the Council of Ministers. The Government must now have realised that it was never going to be possible to negotiate a special bespoke deal that will cover all the issues that need to be addressed. Given that there will inevitably be many outstanding issues come the end of the talks in October 2018, and given that leaving without a deal would mean falling off a cliff edge, with all the disastrous consequences for the British economy, surely it is now plain that we must have transitional arrangements and that they will have to involve staying in the customs union and the single market for a period if we want to avoid the kind of disruption that businesses have repeatedly warned the Government about.

I realise that this self-evident truth will come as a shock and a bitter disappointment to some people. I do not know how Ministers will break it to them—presumably, gently bit by bit—but it will have to happen because

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only by doing this will we as a nation have the chance and the time to negotiate a comprehensive free trade and market access agreement that our businesses want and on which our economic future depends.

2.35 pm

Sir William Cash (Stone) (Con): In British constitutional history, there are few examples of Bills of such historic significance as this. Since the mid-1980s, I have been arguing for our legislative sovereignty in respect of EU legislation, even under the premiership of Margaret Thatcher, as was seen in my amendment of 12 June 1986. Even then, I was not allowed to debate it, let alone move it. Then we had Maastricht, Nice, Amsterdam and Lisbon. Together with other colleagues—I pay tribute to them all again—we fought a huge battle and here we are now.

Today, at last, we have the withdrawal and repeal Bill, an original draft of which, as my right hon. Friend the Secretary of State knows, I circulated in the House of Commons even before the referendum. It said two very simple things: we need to repeal the European Communities Act 1972 and transpose EU law into UK law when the treaties cease to apply to the United Kingdom under article 50. However, contrary to the reasoned amendment tabled by the official Opposition, this Bill—the Government’s Bill—will emphatically protect and reassert the principle of parliamentary sovereignty precisely because it is an Act of Parliament, or will be if it goes through. It will repeal the European Communities Act, sections 2 and 3 of which asserted the supremacy of EU law over UK law. That is the central point.

Indeed, the referendum Bill itself was authorised by an Act of Parliament, by no less than 6:1 in the House of Commons, and as my right hon. Friend the Secretary of State pointed out, the article 50 withdrawal Act was another reassertion of sovereignty, which was passed by 498 to 114 votes in this House. All or most Members of the Opposition voted for it. That result was reinforced in the general election, when 86% of the votes for all political parties effectively endorsed the outcome of the referendum. This is democracy and sovereignty merged in its fullest sense and acquiesced in by the official Opposition, who are now putting up a reasoned amendment against endorsing the very decision that they themselves have already not merely participated in but agreed on. We should therefore be deeply disturbed that they should now seek to decline to give this Bill a Second Reading, cynically claiming that they respect the EU referendum result. In fact, their amendment defies belief. As the snail asserts in “Alice in Wonderland”, they

“would not, could not, would not, could not, would not join the dance.”

This is a serious dance. This is not Alice in Wonderland, but a real dance implementing the democratic decision of the British people—the United Kingdom as a whole.

The Opposition’s reasoned amendment fails to comprehend the simplest fact, which is that parliamentary sovereignty is no less embedded in this Bill than in the European Communities Act itself, which, in the very pursuance of parliamentary sovereignty, repealed our then voluntary acceptance under sections 2 and 3 of the

1972 Act. Indeed, Lord Bridge in the Factortame case made the basis of that Act crystal clear even to the point of the House of Lords striking down an Act of Parliament—namely the Merchant Shipping Act 1988—because of its inconsistency with the 1972 Act.

In 1972, therefore, by virtue of the historic invasion of our constitutional arrangements, we acquiesced in the subversion to the European Union of this House—and all without a referendum, which we did have this time when we got the endorsement of the British people under an Act of Parliament passed by 6:1 in this House.

Furthermore, the 1972 Act absorbed into our jurisprudence not only a vast swath of treaties and laws but the dogmatic assertions made by the European Court of the supremacy of EU law over our constitutional status. I would mention *Van Gend en Loos*, *Handelsgesellschaft* and so on—a whole list of cases asserting, through the European Court, EU constitutional primacy over Parliaments, including our Parliament and its sovereignty. That was made even worse by the White Paper that preceded the 1972 Act and pretended—I almost say by deceit—that it would be essential to our national interest to retain the veto and never give it up, because without it the fabric of the European Community would be impaired. The then Government understood what it was all about; they knew that it would destroy the European Union if a restriction was imposed on our ability to veto legislation. Since then, the EU’s competencies have been vastly extended.

As for the Henry VIII procedures in the Bill, I hear what my right hon. Friend the Member for Broxtowe (Anna Soubry) said about what I said in 2013, but I am talking about the EU-specific legal jurisdiction and the context in which we are discussing the subject, which is the 1972 Act. Yes, we could have reservations about elements of Henry VIII procedures, but the biggest power grab of all time in British constitutional history has been the 1972 Act itself. It incorporated all the EU laws made and accumulated from 1956 right through to 1972, and my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) was running around as a young Whip cajoling people to move down the route of subverting our entire history and constitutional arrangements through these new arrangements. They subverted the constitutional supremacy of this House.

Mr Kenneth Clarke: May I remind my hon. Friend of his contribution to the debates on the Maastricht treaty? He made most of the arguments then that he is making now, but I do not recall him being so enthusiastic for legislation to be speedily passed through this House with no proper powers retained over any of the detail. When did his conversion to this new prompt procedure take place?

Sir William Cash: I am so glad that my right hon. and learned Friend has made that point, because I would like to endorse what he was saying earlier—I would like to see proceedings extended beyond 5 o’clock tonight. I will not have the opportunity to make a speech as long as that which I made on Second Reading of the Maastricht Bill—I think it lasted something like two hours—but for the reasons that have already been given, I think that this Bill is quite different in character. Then, we were

dealing with extensions of competencies and here we are dealing with the principles of repeal, sovereignty and democracy.

Mr Duncan Smith: I hesitate to ask my hon. Friend to give way, but simply want to make the point that as he will recall, during Maastricht we were told time and time again that although we had long procedures for debate the outcome could not be in doubt, because to be a member of the European Union meant that all of what was agreed in the Maastricht treaty would come straight into UK law regardless of what this Parliament decided it was against.

Sir William Cash: Absolutely. That is the cardinal principle.

The Henry VIII arrangement in this Bill is a mirror image in reverse of what was done in 1972 to absorb all the European legislation into our own law and apply it so that it could never be changed. It cannot be amended—there is the *acquis communautaire*, and it cannot be repealed until we have this Bill. That is the point. I ought to add that it would be impossible for us to translate all the European legislation through primary legislation, although, as has already been said, we will have important primary legislation on subjects such as immigration and fisheries. The Government have already promised that.

Section 2(2) of the 1972 Act allows EU law to have legal effect in UK domestic law by secondary or delegated legislation. Read with section 2(4) and schedule 2 to that Act, that secondary legislation, by sovereign Act of Parliament, is expressly given the power to make such provision as may be made by the Act of Parliament itself. There are hosts of examples—including, if I may say so to the Opposition and the shadow Secretary of State, section 75 of the Freedom of Information Act, where the amendment was made within the Act and passed by the Labour party. Let us not get hypocritical about this under any circumstances; this procedure is not as unusual as it is made out to be.

Indeed, the Minister on Second Reading of the 1972 Act, Geoffrey Rippon, acknowledged the novelty of the procedure—it was novel in those days—and added:

“As I conceive it, the power afforded by Clause 2(4) would be used only in exceptional circumstances”.—[*Official Report*, 15 February 1972; Vol. 831, c. 285.]

We now know that, according to the EU legal database, at least 12,000 regulations have been brought in since '73, with 7,900 instruments derived from EU law. It is a wild assertion that the Henry VIII provisions contained in this Bill are an infringement of parliamentary sovereignty, and for that reason the Opposition amendment should be completely disregarded.

Furthermore, Henry VIII powers have been used in enactment after enactment. Indeed, we had them in the recent Energy Bill and Immigration Bill, which contained 22 separate Henry VIII powers. There is, however, another important point to be made. The European Scrutiny Committee report “Transparency of decision-making in the Council of the European Union”, published in May 2016, goes to the heart of the manner in which the policies and laws of the UK have increasingly been invaded, not merely in process but in practice, which we will reverse—abolish—through this Bill. The Committee established that although majority voting prevails by

virtue of the treaties, the decisions are taken by consensus behind closed doors without any proper record, proper speeches or transparency. No votes are recorded, as they are in *Hansard*. That is the fundamental difference. It is a travesty of a democratic decision-making process and a reason why the Bill is so necessary. The people of this country have had legislation inflicted and imposed on them that is made behind closed doors without anyone knowing who has made it, for what reason and how.

There are political undercurrents that need to be brought out, because the question of who makes those decisions behind closed doors in the Council of Ministers is incredibly important, as Professor Vaubel, professor of economics at Mannheim University, made clear in his work “Regulatory Collusion”. Another report, by VoteWatch, demonstrates the extent to which the UK has been on the losing side an ever increasing proportion of times leading up to 2015. I am bound to say that the UK has been on the losing side more than any other state over that time.

I have made my point on the charter. The Opposition have no credibility on that question whatsoever.

Finally, let me say that this is an historic moment and I am glad to be part of it at last.

2.48 pm

Kate Hoey (Vauxhall) (Lab): It is a pleasure to follow the hon. Member for Stone (Sir William Cash), who has spent more time scrutinising EU legislation and directives than all of us. I am pleased to have been a member of the European Scrutiny Committee for some years now, although we have often felt very alone. We have been up in the Committee Rooms going through documents after documents, realising that we could change very little. The public watching us today will see all this interest. They will look at the time we are spending discussing intense scrutiny and worrying about Henry VIII clauses and statutory instruments, and they may well think, “If only a quarter of that time had been spent by Parliament examining some of the thousands of EU directives and regulations that have simply been imposed on the country.” We have had very little say. As the hon. Member for Stone said, much of what happened in the European Union was behind closed doors. As just one of 28 countries, we were always being outvoted. We had to take those decisions on board many times without being able to change them.

There is genuine concern among many of my colleagues and some Conservative Members about the scrutiny process, including the use of some Henry VIII clauses and statutory instruments. I agree very much with the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith) that there are mechanisms by which we could bring people together. One problem is that those of us who voted to leave and were pleased with the result genuinely feel that, although a lot of people are saying, “Oh yes, we accept the result of the referendum”, they are doing every little bit of work they can behind the scenes not necessarily to prevent us from leaving, but to make it as difficult and tedious as possible. They want the public to think, “Oh dear. Have we done the right thing?” That comes through from the media and all the people who were strongly in the remain camp, and it does a disservice to our country because, when we are negotiating with the EU, we need to show that both this country and this Parliament are united.

[Kate Hoey]

Whatever happens and whatever people in my party say, we will be leaving in March 2019. We want to leave in a way that will maximise certainty and confidence in business. We want to maximise the confidence of the people, many of whom voted remain but who have now decided that they want to get on with it and are saying, "Let's just do it." Let us speak up for all the positive things that are happening. We should now recognise that all the dire warnings about the things that would go wrong were, in fact, wrong themselves. We need to be as positive as possible.

I look back on the last Labour Government in which many current Members of Parliament served. In that time, we actually doubled the number of statutory instruments to introduce new laws, so Labour Members are being a little hypocritical. I know there are people in the Labour party who are genuinely so upset that we are leaving the EU, but we should be putting the country's interests first at this time. We should be deciding that we want to work with the Government, which means that the Government also need to want to work with us. That requires a positive attitude from the Opposition Front Bench. I have been pleased to say that there have been positive attitudes over the past few months, but I now worry about us going against the principle by voting against Second Reading. No matter whether some people genuinely feel that it is the right thing to do, it will be seen by Labour voters in the public—many of whom came back and voted for us, having fraternised with the UK Independence party for some time—as though we are not really serious about leaving the European Union.

I am very disappointed that we will not be supporting the Bill on Monday night. During the course of the debate, I hope that some of my colleagues will actually feel that they should support the Bill, even if they are going to support the reasoned amendment because this Second Reading is the principle. We can then probe with our amendments and new clauses some of the problems—undoubtedly, there are some—with the scrutiny process.

Michel Barnier goes on about the clock ticking, and many people have mentioned that today. It is ticking. But it is actually ticking for the European Union just as much as it is ticking for us in the United Kingdom. It now seems that the only thing at the top of the European Union negotiators' minds at this moment is money. That is not necessarily true of the individual countries. Over the next few months, I think we will see changes in some European Union countries that really want to get a good deal with us because they know it is in their interests. But the European Union negotiators know how much they will miss our money, and that tells us something about what the European Union has been all about. They want to keep our money coming in for as long as possible. I will accept any kind of transition period only if we stop paying any more money from day one that we leave the EU. That is not to say that there might not be some really legal things, but I would like to see the detail—I would like the European Union to come up with every dot and comma of why it thinks we should pay something back. We need to be clear that we are not going to pay anything more after we leave the European Union.

John Redwood: I entirely agree with the hon. Lady. Does she agree that the EU probably does not want to talk about trade, because, in practice, it will want tariff-free, barrier-free trade if it is at all sensible, and it thinks it can get money out of us for that, when it has to have it for itself?

Kate Hoey: The right hon. Gentleman is right: money seems to be the crucial thing the EU is using in the negotiation. I hope our negotiators will stand up to that and stop allowing the media and others to make every little bit of negotiation into some kind of conflict, saying that it is always the EU negotiators who are doing the right thing and that we are somehow not doing the right thing. I want it to be the other way round: I want us to be positive about our negotiations, because, in the end, we can get a good deal by just proclaiming how strong the United Kingdom is, how well respected we are, how strong our City of London is and how, despite the fact that we are leaving in 2019, companies are still coming to invest here. There is a very positive message, but it is not getting out.

I know that lots of people want to speak, so I will end by saying one thing. I am not a lawyer, although there are a lot of lawyers in here who are loving every minute of this, because it is the kind of thing they love. However, I am not a lawyer, and the vast majority of the public are not lawyers. They will be watching today, and they will be judging all of us, whatever our party politics, on whether we are doing what is in the long-term, best interests of our country. I do not believe we should be playing some kind of political game about not voting for the Bill because it might make it look to some people in our party as if we are standing up to the Government. This is about the future of our country. Labour Members should vote for the Second Reading of this Bill on Monday night, and then challenge and change things, if we can, in Committee.

2.57 pm

John Redwood (Wokingham) (Con): I entirely agree with the hon. Member for Vauxhall (Kate Hoey): we have no legal obligation to pay more money, and there is no moral obligation. There is also no diplomatic advantage in offering money; indeed, if the EU gets the idea that we might pay it a bit of money, it will be even more unreasonable, because that would be the way to try to force more money out of us.

What I wish to say in this very important debate is that the Bill should satisfy most remain voters and most leave voters. I understand that it does not satisfy some MPs, who have their political agendas and political games to play, but they should listen to their constituents, and they should think about the mood of the country—the mood of business and those we represent.

We have had crocodile tears shed for myself and those of my right hon. and hon. Friends who wanted leave and who are very pleased with leave by those who tell us that we must surely understand that we are not getting the parliamentary democracy we wanted as a result of this piece of legislation. I would like to reassure all colleagues in the House that I am getting exactly the piece of legislation I wanted, and it does restore parliamentary democracy.

What is in the Bill for leave voters is that, once the Bill has gone through and we have left the European Union, the British people will have their elected Parliament

making all their laws for them. We will be able to amend any law we do not like any more, and we will be able to improve any law. We were not able to do that.

What we like about the Bill is that it gets rid of the 1972 Act, which was an outrage against democracy, because, as we have heard, it led to 20,000 different laws being visited upon our country, whether the people and Parliament wanted them or not, and whether their Government voted for them or against them—the Government often voted for them reluctantly because they did not want the embarrassment of voting against them and losing. This is a great day for United Kingdom democracy. A piece of legislation is being presented that will give the people and their Parliament control back over their laws.

Ruth George (High Peak) (Lab): Will the right hon. Gentleman give way?

John Redwood: Let me just explain why this is good for remain voters and then I will give way to someone who is probably of that faith. It is good for remain voters because during the campaign a lot of them were not fully convinced either for or against the European Union, but on balance thought we should stay in. They quite often liked some elements of European legislation, standards or requirements. In particular, the Labour party and its supporters liked the employment guarantees that were offered by European employment law, and other parties and interests liked the environmental standards. This Bill guarantees that all the things that remain voters like about European legislation will continue and will be good British law, so they will still have the benefits of them, with the added advantage that we might want to improve them, as well as full assurances from the Government that we do not wish to repeal them.

Ruth George: I am very surprised that the right hon. Gentleman is saying how delighted he is that so many rights and responsibilities will now come under delegated legislation. I am not sure if he recalls that on 1 September 2012, as a member of the Delegated Legislation Committee on the criminal injuries compensation scheme, he, with all the other Conservative members of the Committee, called for the then Minister to withdraw the measure before them, and that did not happen. A second Committee was set up—

Mr Speaker: Order. Forgive me, but colleagues must have some regard to each other's interests. There are a lot of people wanting to speak. Interventions must be brief; they should not be mini-speeches.

John Redwood: Let us come to the secondary legislation point. First, all statutory instruments are subject to a parliamentary process. I am quite happy that there is parliamentary control. If Ministers seek to abuse the power under the legislation that they are offering to the House, then all the House has to do is to vote down the statutory instrument. If it is a so-called negative resolution instrument, surely the Opposition are up to being able to say, "We intend to debate and vote on this issue." I remember doing that as a shadow Cabinet member. I called in things that the then Government were trying to smuggle through and made sure that there was a debate and a vote. If it is the view of Parliament that Ministers have misbehaved, then they will lose the vote and have to come forward with something else.

That is parliamentary democracy, and I do not understand why my colleagues find it so difficult to understand. Ministers will be bringing forward bits of secondary legislation in areas where they are fairly sure that it is the will of the House that they go through because they are technical, or sensible, or obvious. They will all be in pursuit of the fundamental aim, which is to guarantee all these rights and laws, which are often more admired by Opposition Members than Conservative Members, but which we have all agreed should be transferred lock, stock and barrel, and which in certain cases are protected by pledges in manifestos. For example, my party, as well as the Labour party, has promised to keep all the employment protections and improve on them, because that is something we believe in. We offered that to the British people as part of our manifesto for the last election.

Lady Hermon: The right hon. Gentleman has suggested that those who voted for remain, as I did, should be happy with this Bill because it brings over all EU legislation. Yes and no. On the stroke of midnight on exit day, we lose the general principles of EU law such as proportionality, non-discrimination, and respect for human rights. *[Interruption.]* No, with respect—the general principles go. Does he agree that we should lose those very sound, good, valuable general principles?

John Redwood: I think that those excellent principles are already reflected in both European law and British law and will therefore be built into our statutes. They will be inherited from European law through this Bill, and they will often inform the judgment of our judges. I am very happy to trust our Supreme Court rather than the European Court of Justice.

The Supreme Court has not always made judgments I like. I did not like one of its judgments quite recently, but we accepted it and lived with it. We are now in a stronger position as a result, as it happens, because we had a nine-month referendum debate in this House after the country had made its decision. I am pleased to say that after a very long and extensive rerun of the referendum—day after day we were talking about the same subject, having been told we never did so—Parliament wisely came to the decision, by an overwhelming majority, that it did have to endorse the decision of the British people and get on with implementing it.

Joanna Cherry: Will the right hon. Gentleman give way?

John Redwood: I am afraid that time is now rather limited.

I am very much in favour of our Parliament making these decisions. The admirable principles we are discussing will often be reflected in British law. They are already reflected in many of the bits of legislation that are the subject of this Bill, and our judges will often be informed by them. If the judges start to use a principle that we do not like very much, it is in the hands of those of us who are in Parliament to issue new guidance to those judges—to say that we are creating more primary legislation to ensure that we have a bit more of this principle and a bit less of that—on our area of disagreement with them. In a democracy, it is most important that we have independent courts, but also that, ultimately, the sovereign people

[John Redwood]

through their elected representatives can move the judges on by proper instruction; in our case, that takes the form of primary legislation.

Much has been made of how we implement whatever agreement we get, if we have an agreement, at the end of the now 19-month process in the run-up to our exit on 29 March. I think people are making heavy weather of this, because the main issue that will eventually be settled—I fear it will be settled much later than the press and Parliament would like—is how we will trade with our former partners on the date on which we depart.

There are two off-the-shelf models, either of which would work. In one, the EU decides, in the end, that it does not want tariffs on all its food products and cars coming into the UK market, and it does not want us creating new barriers against its very successful exports, so it agrees that we should register our existing arrangements as a free trade agreement at the World Trade Organisation. That would be a ready-made free trade agreement.

I do not think that there is time to make a special free trade agreement that is not as good as the one we have at the moment. Either we will have the current arrangements, as modified for WTO purposes, when we are outside the Union, or we will not. If we do not, we will trade on WTO terms when we are on the other side of the EU's customs and tariff arrangements. We know exactly what that looks like, because that is how we trade with the rest of the world at the moment as an EU member.

The EU imposes very high tariff barriers on what would otherwise be cheaper food from the rest of the world, but if it decided on that option, its food would, of course, be on the wrong side of that barrier as well. We would have to decide how much we wanted to negotiate tariffs down for food from other countries around the world, which may offer us a better deal. It would be quite manageable; food is the only sector that would be badly affected by the tariff proposals under the WTO. More than half our trade would not be tariffable under WTO rules, and services obviously attract no tariffs. I have yet to hear any of the other member states recommend imposing tariffs on their trade with us, or recommend a series of new barriers to get in the way of other aspects of our trade. We will have to wait and see how that develops.

Nicky Morgan: Is my right hon. Friend saying that one of the largest and most basic amounts of its income that any household spends—the part that it spends on food—could be affected by these proposals, but that that is okay?

John Redwood: I am saying that either way, we could get a good deal. If the EU decides that it wants to impose tariffs on its food exports to us, we will be able to take tariffs off food that comes from other parts of the world. Under WTO rules, it is always possible to take tariffs off. We could start getting from the rest of the world food that is cheaper than that which we currently get from the EU, even though it does not attract tariffs. I want to look after customers.

The other thing is that if we just accepted the full WTO tariff rules, we would have about £12 billion of tariffs, and I would recommend that all of that £12 billion

be given back to our consumers. They would be no worse off at all, because we would return the money to them. They might even be better off, if we did free trade deals that brought down the price of food from other parts of the world.

My final point to the Government is that there is an issue about how we decide the date of our departure. I think it is clear that our date of departure will be 29 March 2019. It will definitely be so if we do not have an agreement, which is still quite possible, but I think we should aim to make sure that we leave on that date even if we do have an agreement. We still have 19 months left, and that should be the transition for most of the things that need it. That is, surely, what the time is there to achieve. I recommend that we have the argument of substance over that date now, and that it be put in the Bill now. I recommend very strongly that we aim for 29 March 2019, because in one scenario that will be the date of our exit anyway, and in any other scenario it would be highly desirable.

People are always telling me that we need to reduce uncertainty. If we told them not only that all the laws would remain in place—getting rid of any uncertainty about the law—but that the date of our exit would definitely be 29 March 2019, we would have taken a lot of uncertainty out of the system. I think that that would be very welcome. I find that businesses now, on the whole, just want to get on with it. They are very realistic, and they want to know what they are planning for. They have got some of the details, but they want as many details as possible. If we put that firm date in, we would make it easier still, so I would recommend that change to the Government.

Several hon. Members *rose*—

Mr Speaker: Order. Immediately after the next speaker, the time limit on Back-Bench speeches will be reduced to five minutes.

3.9 pm

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): This has been a very thoughtful debate, and I hope that the Government are in no doubt about the scale of parliamentary concern about the way in which the Bill concentrates powers in the hands of Ministers.

In his opening speech, the Secretary of State recognised that the Bill is not what will take us out of the EU; Parliament has already voted for article 50, which will take us out of the EU—and rightly voted for it, as well. However, Parliament also has a job to do to hold Ministers to account and the Bill, as drafted, stops us doing that. It stops us standing up for democracy in this House, and it stops us making sure, frankly, that the Government do not screw up Brexit in the process they put it through and the decisions they take.

Many of the purposes behind the Bill are right. Parliament will need to repeal the 1972 Act, and Parliament will also need to transfer EU-derived law into UK law. As the Chair of the Select Committee, my right hon. Friend the Member for Leeds Central (Hilary Benn), has already said, we will have to have a Bill, but not this Bill. There is a choice about the way in which we do this, and we do not have to do it in a way that concentrates so much power in the hands of a small group of Ministers.

Let me run through some of our concerns. The shadow Secretary of State, my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer), set out a very forensic and powerful account of the Bill and the detailed powers that it will give Ministers, with no safeguards in place. There are the powers in clauses 7 and 17, as well as those in clause 9, and there is the fact that it will reduce British citizens' rights. Far from allowing Brits to take back control, the Bill weakens protection for employment rights, equality and environmental standards; it weakens remedies and enforcement; and, crucially, it reduces the right of redress. It is both sad and telling that Ministers have chosen to exempt the charter of fundamental rights. I hope that that will be reversed, and that they will change their position.

The greatest concern—I want to focus on this point—is the concentration of powers in a way that, frankly, is not British. Parliament will not be able to do its job to stand up for citizens' rights against a powerful Executive if the Bill goes through in the way that it has been drafted. The unprecedented powers given to Ministers in certain clauses—clause 7 and, in particular, clause 17—are powers that would make a Tudor monarch proud. Everyone realises that the sheer extent of the provisions means that we will need both primary and secondary legislation as part of the process, but not to this scale, not with this lack of safeguards and not with this concentration of power in Ministers' hands.

The Bill will give Ministers the power to change primary legislation for an incredibly broad range of reasons, and the test will simply be whether they think it is appropriate. The test is not whether a change is needed, proportionate or essential, but only whether Ministers consider it to be appropriate. The Bill also includes the power—the Secretary of State made slightly disingenuous remarks in the way he presented this—to create new criminal offences so long as sentences are not more than two years. That is a serious power to give Ministers on such a broad area without parliamentary scrutiny.

Let me give some examples of the things that the Bill would do. I raised the European arrest warrant with the Secretary of State, and his response to my question about what safeguards there would be was simply to point to the Human Rights Act. The Human Rights Act—by the way, Conservative Front Benchers have pledged to get rid of it—is not a sufficient safeguard. We know that we should not rely on the courts to have all the safeguards, and that we in Parliament should provide some of them as well. We also know that within the scope of the Human Rights Act there is a huge range of potential policies on extradition on which Parliament should have a say.

On my past record, I suspect that I am probably closer to the Prime Minister and the Home Secretary on what the extradition policy should be than many of their Back Benchers. I still do not think, however, that they should have unlimited powers to decide extradition policy without having to come back to Parliament.

We debated the Investigatory Powers Act 2016 forensically—in fact, it was an example of Parliament at its best. We gave that Act detailed consideration that balanced security and liberty and changed it as it went through. Given, however, that some of the Act's genesis depended on ECJ judgments and its relationship with

EU legislation, the Bill today could give Ministers the power to reopen the Act and change the primary legislation that we put forward with great care, and—again—to do so through secondary legislation only, without there being proper safeguards and checks in place. Ministers will have the power to rip up the working time directive, too, if it does not fit with what they think should happen under the appropriate arrangements after Brexit.

I do not trust the Prime Minister and the Cabinet with these immense powers. One would expect me not to do so, but no parliamentarian should trust them with these powers. None of us knows who the next Prime Minister will be or who will be in the next Cabinet. This is about the powers in principle, not who is doing the job right now. Clause 9 is particularly disturbing; it should not even be in the Bill. We should be legislating separately for the withdrawal agreement. We should have a separate Bill—and, yes, it would need to provide for secondary legislation; we should not be doing it now, when we have no clue what the withdrawal agreement will be, when we have not had a vote to endorse the Government's negotiating strategy—we do not even know what it is on a whole series of different areas—and when there is not even a statutory commitment to a vote on the withdrawal agreement.

We could start legislating later, in the summer perhaps when we have a bit more of a clue where on earth this is all going, or perhaps in the autumn when the withdrawal agreement supposedly will have been signed. Then we could put the exit date, which some Government Members are concerned about, into primary legislation and legislate without giving Ministers any more powers than is strictly necessary, rather than hand them unrestricted power to do the job.

John Redwood: Does the right hon. Lady not accept that the Government are conducting the negotiations? Parliament can say, "We like the result," or "We don't like the result," but we cannot amend it; it is what the negotiation is.

Yvette Cooper: I am not comfortable with the right hon. Gentleman's enthusiasm for giving the Government blank cheques. Even if he is happy to support the Government and let them do whatever they want on the negotiations, he should be deeply uneasy about giving Ministers unrestricted powers to implement the withdrawal agreement in whatever way they so choose.

The Prime Minister has no mandate to do it this way. To be fair, she asked for one—that is what the election was all about; it was about subverting the Cabinet, her party and this Parliament—but she did not get one. In fact, the Conservative party lost seats. We now have a hung Parliament, and it would be even more irresponsible for a hung Parliament to hand over such huge powers to the Executive than it would be in any other circumstances.

We do not need to legislate like this. This is about more than just Brexit. It is about the precedents we set. Many hon. Members have quoted precedents about different kinds of secondary legislation, but that only strengthens the argument: we should not be setting a precedent in Parliament that hands this stonking great lump of powers into Ministers' hands without any safeguards. This is about who we are. It is about what kind of democracy Britain should be.

[Yvette Cooper]

Even before the Brexit legislation, the former Lord Chief Justice warned about the steady diminishing of Parliament, about the handing over of power and control, year after year, to the Executive—to be fair, that includes previous Governments, not just this one—and about the number of statutory instruments and the fact that since 1950 Parliament has said no to only one in 10,000 of those laid before it.

Henry VIII's Parliament had an excuse. The man had a habit of chopping off people's heads. What is the excuse for this Parliament? How can we possibly, in this generation, allow ourselves to become the most supine Parliament in history by handing over powers on this scale? We sit in the Chamber and listen to maiden speeches with great respect because we all still think that there is something special about being sent here by our constituents—sent with the power of democracy; sent on the wings of all those many thousands of ballot papers folded up with the crosses by our names. We think that we have a responsibility to hold the Executive to account, and not to hand over to Ministers, in an unrestricted way, all the power given to us by our constituents to do what they like with. Yet that is what the Bill is doing.

History will judge us for the decisions that we make now, for the precedents that we set and the choices that we make. Six months ago, I voted for article 50 because I believe in democracy, but now it is that same faith in democracy that means I cannot vote for the Bill. Let us not choose to be the most supine Parliament in history. Let us be the parliamentary generation that stands up for Parliament: the generation that pursues the article 50 process, but does so in a way that holds Ministers to account.

Several hon. Members *rose*—

Mr Speaker: Order. The five-minute limit on Back-Bench speeches will now apply.

3.21 pm

Sir Oliver Letwin (West Dorset) (Con): This has been a fascinating debate so far, and I am delighted that a little bird tells me that the Chief Whip and the Leader of the House are conspiring to try to make arrangements for it to be extended to midnight on the second day.

One of the most fascinating aspects of the debate has been the appearance of logic in what was said by not only the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper), but the Chair of the Select Committee, the right hon. Member for Leeds Central (Hilary Benn), and the shadow Secretary of State, the right hon. and learned Member for Holborn and St Pancras (Keir Starmer). What they said sounded forensic and logical. The structure of their argument, as I think other Members will recognise, is as follows: “We do not like clause 9, we do not like clause 17 and we do not like schedule 7, and therefore, instead of waiting to see whether they will change in Committee before voting on Third Reading, we will reject the Bill on Second Reading.”

That is not what logicians call logic; it is what they call a non sequitur, which prompts the question, “Why the non sequitur?” The answer is that the three people whom I have just mentioned are among the cleverest

people in Parliament. They understand logic perfectly well, and they understand what a non sequitur is. The reason they are engaging in such an argument is that they hope to make some combination of trouble for the Government, or for the Brexit process. Conservative Members should pay not the slightest attention to such “un-arguments” and should get on with the business of examining the Bill as it is.

Having said that, I rather agree—in fact, I strongly agree—with what was said by my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith), and, indeed, with some of what was said by the former Chancellor of the Exchequer, my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), and my right hon. Friend the Member for Broxtowe (Anna Soubry). There is a lacuna here, and we do need to look at those clauses again. I suspect that much of the remedy will lie in the use of a combination of the Joint Committee on Statutory Instruments as the ultimate body and, for instance, the Social Security Advisory Committee to do the detailed work on what will probably be near on 1,000 technical statutory instruments before the House comes to consider the really serious matters that will need to be dealt with in one way or another.

There is, however, one point that I want to make in advance of the Committee stage in the hope that the Government will consider it between now and then. One fundamental issue has not been addressed in the debate so far. It relates to what we used to call the European Court of Justice or the Court of Justice of the European Union. Members who have read clause 6 will have noticed that, as the Secretary of State pointed out, subsection (4) states that

“the Supreme Court is not bound by any retained EU case law”.

That seems to be a fairly important statement, but it is not quite as important as one might think, because the Supreme Court is not bound by itself either: it is the kind of court that can always depart. So I think that it is more of a ritual utterance than anything else.

According to clause 6(3),

“Any question as to the validity, meaning or effect of any retained EU law is to be decided...in accordance with any retained case law and any retained general principles of EU law”.

In case anyone has any doubt about whether that might be just a drafting error, I should point out that the Government's own document describing the Bill states:

“Questions on the meaning of retained EU law will be determined by domestic courts in accordance with pre-exit CJEU case law.”

In other words, those parts of the Bill, as currently drafted, enshrine the CJEU, with its expansionist teleological jurisprudence, as the basis for deciding what the law of the land is.

Joanna Cherry: Will the right hon. Gentleman give way?

Sir Oliver Letwin: I am sorry, but I will not. I do not have much time. I do not believe that that is a very good way to do it, but if it were a good way to do it, we should certainly remove the reference to the Supreme Court not being bound by it, because it is not one solo parliamentarian who has no legal expertise, but is, rather, the retiring president of the Supreme Court, whom we do have to pay some attention to, who has pointed out that there is an ambiguity here.

Mr Grieve: It is by no means the only ambiguity in this Bill, but I agree entirely that to ask the judiciary to carry out an interpretation of something that is so oddly and, I have to say, vaguely worded is a recipe for disaster and is something this House should avoid doing.

Sir Oliver Letwin: I agree with my right hon. and learned Friend about that and hope that in Committee we will be able to address that head on. My personal belief is that we should address it in the form of changing clause 6(3), to ensure that it is open to—indeed, that we give an inducement to—our courts to move back to the plain words of the texts of the treaties and directives, so far as they judge that can be done without injustice to individuals. That is the principle that most people who voted for leave, and indeed many of us who voted on balance to remain but have been extremely sceptical about the activities of the ECJ and the Court of Justice of the European Union for many years, would wish to see enshrined in this legislation. I suspect that I might even carry my right hon. and learned Friend the Member for Rushcliffe on that point, because he was, somewhat surprisingly, very sceptical about the ECJ on many occasions—I say surprisingly, because, despite his enthusiasm for the EU, which I never quite managed to share, actually he is a very good parliamentarian and a very good lawyer and recognises that we do not want a court that makes its own law. So I think we have a way forward that we can seek to follow in Committee.

None of that should obscure the fact that this is a good and necessary Bill. Nothing that the Opposition have said has suggested that there is any structural deficiency. Therefore, I will vote for it, and I hope all my friends and colleagues on the Conservative Benches and, indeed, many on the Opposition Benches will do the same.

3.26 pm

Rosie Duffield (Canterbury) (Lab): It is a great privilege to make my maiden speech as part of this special and important debate. Many people—especially me—were completely stunned on the morning of 9 June to wake up and find that a new red dot had appeared on the previously entirely blue political map of Kent. I am still recovering from the shock, but am also determined to bring as much positive difference as I possibly can during my time in this place.

Before I speak a little more about my constituency, I want to mention the so-called “trolling” of my, mostly female, colleagues over the summer. I have already experienced a fair amount of trolling myself. This ranges from ill-informed, badly researched articles published as fact to unpleasant personal messages late at night, and vile, vitriolic insults from a small, but persistent, handful of activists from other parties posted online.

I acknowledge the efforts being made by the inspirational women in Parliament who are working hard to raise this issue and are fighting against it even though that usually results in much more abuse being thrown their way. I want to make special mention of my friend, the Newham councillor Seyi Akiwowo, who has endured, fought back against and now campaigns against the lowest form of racial abuse; and, of course, Labour’s shadow Home Secretary, who has shown incredible

dignity and remarkable strength in the face of the most unacceptable and disgusting abuse over her decades in this House.

Groups such as Glitch UK and Reclaim the Internet, led by my colleague my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper) and many of my other friends and colleagues in this House, are deserving of our support. We must continue to fight against this and highlight the problem; it is entirely possible to engage in passionate political debate without resorting to name-calling, death threats and abusive language. Let us restore respect and manners to our online behaviour.

As the first woman ever to have been elected in Canterbury and as a single mother, I want to be a champion for equality not only for women, but for the disabled, people of every ethnic and racial background, the young and the old, the LGBT community and people of all faiths and none. It is a scandal that in this day and age there is still inequality in pay and discrimination in many forms. All such prejudice has no place in our society; I will challenge and fight it wherever I find it.

My constituency, Canterbury, is famous as a place of pilgrimage. It is also known as part of the garden of England. Today, as we sit here in the Palace of Westminster, the farms surrounding my constituency are filled with apples, hops and plum trees. In some ways, nothing has changed since Chaucer and his pilgrims went walking through those same fields, but in many ways, everything has. In those fields today, many of the fruit pickers are European. Every day, in the streets of my city and the nearby seaside town of Whitstable, we hear European languages being spoken by schoolchildren visiting from France, Spain, Germany and Belgium.

At the top of the hill that overlooks Canterbury city lies the University of Kent, which prides itself on being the UK’s European university, and standing outside the nave doors of Canterbury cathedral, you are closer to Paris than you are to Sheffield. This is just my way of emphasising how much the Canterbury constituency has benefited, and continues to benefit, from economic and cultural exchange with our European neighbours. It is undoubtedly true that the Kent economy has benefited from immigration and tourism from across the channel, and we hope to continue to do so well into the future.

If there must be a Brexit, I want only the sort of Brexit that protects the rights of EU nationals to work in the UK, that promotes trade across borders and that is proud of our many students and academics who come here to study from across the world. For example, we want to continue to welcome the foreign doctors, nurses and other healthcare professionals who have worked in our hospitals. There is real anxiety in the constituency I now represent about the future of our local NHS and, in particular, the Kent and Canterbury Hospital. Over the past decade, it has lost vital services. We now have absolutely no A&E, and the maternity unit, which gave me such wonderful care when I had my two boys, has gone. Only a few months ago, the K and C lost three major services—those covering heart attacks, stroke and pneumonia.

But let us remember that the threat to our hospital is not happening in isolation. The problems facing our NHS arise from Government policies affecting the whole of England. The first of these is budget cuts. Our local

[Rosie Duffield]

hospital trust does not have a deficit of £40 million because of overspending; it is caused by underfunding. Putting the shackles of austerity on to an already weakened NHS is a deliberate political choice made by this Government.

I must speak up to save our nation's sickest patient, because that is what the NHS is. Our NHS is the nation's sickest patient, and the Government must be careful that, while burying their heads in Brexit, they do not leave her to die. Yesterday, I was out in Parliament Square supporting NHS staff and other public sector workers who are having to resort to protest in the face of the ongoing pay cap. Some nurses I speak to regularly are having to rely on food banks. What sort of country is this, when we cannot look after the very people who look after us?

In around 1370, long before he wrote "The Canterbury Tales", Geoffrey Chaucer was sent to Italy by the King to negotiate a trade agreement between Genoa and England. Historical documents show that it was a very successful trade agreement indeed. I can only wish that our current Brexit negotiations with the EU will be as successful. You would think that after nearly 650 years, we would have picked up a tip or two! I hope the current Government are listening to the whispers of history, and indeed to today's shouts from up and down the United Kingdom. People want a good deal. They do not want no deal; this is not a television game show with a snappy title. We must come out with a deal that does not send us back into the economic dark ages.

As is the tradition in maiden speeches, I would like to thank my predecessor, Sir Julian Brazier, who served the people of Canterbury well as their Member of Parliament for 30 years—some 10,955 days. I am sure that Members on both sides of the House will acknowledge what a remarkable act of dedication and service that was. He and I fundamentally disagreed on many issues, such as equal marriage, Brexit and a woman's right to choose, but I sincerely wish Sir Julian well for the future.

I love Canterbury. I love her surrounding villages such as Littlebourne, Chartham, Blean and Bridge. I love the working harbour of Whitstable and the pebbles of the surrounding Kent coast. I am humbled by the people of my constituency putting their trust in me, and I want to work hard for all the people in my area. I believe in unity and togetherness, and that love and trust can transcend borders. I believe in progressive and thoughtful socialism in which we work for and think of our neighbours without prejudice. Thank you for listening, Mr. Speaker, and for allowing me to have my first moments fighting for the people who elected me. I will not let them down.

Mr Speaker: Thank you; many congratulations to the hon. Lady. The five-minute time limit is now restored.

3.34 pm

Nicky Morgan (Loughborough) (Con): I congratulate the new hon. Member for Canterbury (Rosie Duffield) on an excellent and confident maiden speech. I was sorry to hear about the online abuse that she has already experienced but pleased to hear about the support she has received. She talked about unity and togetherness,

and she might have found the House at a challenging time for such things, but we will hopefully find a way through these debates. Her predecessor was a doughty champion of the armed forces, about which he spoke often in this House.

So it starts—the real process for getting us out of the European Union. The Bill is needed. It is needed legally to disentangle us and to make many people really believe that we are actually going to leave the European Union, something that I have not had difficulty believing. Like many colleagues who share my views, I have been clear since 24 June 2016 that it was going to happen because, as the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) said, we believe in democracy in this House of Commons. However, the Bill contains two major ironies. First, as was said earlier, it is not a repeal Bill but a reintroduction Bill, and those who wanted to get away from EU law now seek to bring it all over here. Secondly, those who wanted to take back control showed no concerns about the amount of Executive power that will be wielded as a result of the Bill until a number of the rest of us started to highlight such issues, and they now claim to be happy with the amendments that might be discussed in Committee.

In the limited time available, I want to draw attention to two parts of the Bill that have already been discussed. It is worth putting them on the record again so that Ministers are in no doubt about the parts of the Bill that they are going to have to discuss with colleagues throughout the House and agree amendments to if they want the Bill to pass. The first is the Henry VIII powers in clause 9, which could theoretically bite on the Bill itself and allow Ministers to amend the very legislation that the House is now debating and being asked to assent to. We might ask why we are going through the troublesome and time-consuming business of getting the Bill into shape when Ministers can use clause 9 to reverse the changes they dislike with speed, efficiency and a minimum of parliamentary oversight. The Secretary of State's response to the right hon. Member for Leeds Central (Hilary Benn), the Chairman of the Exiting the European Union Committee, about the fact that the withdrawal agreement should not be implemented until this House has had its say, is incredibly important.

Anna Soubry: Will my right hon. Friend advise ardent leavers, possibly those on the Government Benches, that there is a real danger that the amount of money that might be paid to the European Union by way of what we call this divorce bill could be decided by the Government without report or redress in this place by virtue of clause 9?

Nicky Morgan: I thank my right hon. Friend for that intervention. She is absolutely right. As a former EU budget Minister, I can say that money will be paid to the European Union, and I disagree fundamentally with the remarks of my right hon. Friend the Member for Wokingham (John Redwood). As one of our MEPs, Dan Hannan, said, this country pays what it owes. We have made financial commitments to the European Union until 2020, and we should pay what we owe. As the Secretary of State has said previously, we may well even decide to pay more towards some elements in order to have access to them, in particular Horizon 2020 and so on.

The second issue is the power for the Ministers to specify the date of the exit day, which will be subject to no parliamentary scrutiny procedure whatsoever. Interestingly, the Secretary of State started his remarks by saying that the Bill does not take us out of the European Union. I did think about intervening, but it was very early in his remarks and I thought that he might clarify things. The difficulty with what he says is that clause 1 baldly states:

“The European Communities Act 1972 is repealed on exit day.”

If the 1972 Act is repealed, the UK leaves the European Union, so if this Bill is passed and its provisions are enacted, we will leave the European Union. Article 50 is a process for giving notice to start the discussions. I am afraid that the Secretary of State was not correct about that.

Why does scrutiny of statutory instruments matter so much? I suspect that Members have been having discussions with businesses and others who rely on EU law to go about what they do, and they are telling us very clearly that what will make their life easier and a transition possible is regulatory convergence, which means sticking to the regulations and rules we have been following for years, whether we are talking about pharmaceutical companies, financial services companies, food exporters, farmers, universities or many other different sectors.

To those who seek to say that we have been rule takers, not rule makers, I say that successive Ministers, including me, have sat at the European Council table and had those debates. The point is that if we want to have regulatory convergence after March 2019, which is what we are hearing, we will have to take the rules without having had any influence on them.

Finally, I am a proud parliamentarian, and the maiden speech of the hon. Member for Canterbury has just reminded me of how special it is to be elected to this place. Parliamentary scrutiny is not an affront to democracy; it is its very essence. The true saboteurs of Brexit are those who would sanction the exclusion of Parliament from this process. The debate on this Bill has only just started.

3.41 pm

Mr George Howarth (Knowsley) (Lab): I, too, congratulate my hon. Friend the Member for Canterbury (Rosie Duffield) on a speech that was fluent, forceful and, at the same time, generous to her predecessor. Her speech has also made me determined me to visit Canterbury, which sounds such a delightful place.

I have a few points: on why people voted to leave in the referendum; on where the Bill stands in relation to why people voted to leave; and on how all the other aspects of Brexit are going, and how they relate back to why people voted as they did. There may be other areas, but there are three that I think are most relevant. First, people voted to restore the sovereignty of the United Kingdom. However they define that sovereignty, the issue was certainly debated forcefully, and it was occasionally raised on the doorstep—I use the word “occasionally” advisedly.

Secondly, people voted to restore some kind of economic independence. People felt that we were spending too much money in Europe and that we would be better off outside, where we could negotiate better trade arrangements

with the rest of the world—everything in the garden would be rosy. Thirdly, the issue most commonly raised with me on the doorstep was immigration.

I will briefly address those three points. On the first issue of sovereignty, the hon. Member for Stone (Sir William Cash) and the right hon. Member for Wokingham (John Redwood) can dance on the head of a pin all they want about what the Bill actually does but, as my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) so forensically demonstrated, the Bill is a transfer of power from Parliament and towards the Executive. That certainly is not what the people in my constituency voted for.

Secondly, on economic independence, apart from the fact that it will potentially cost us £70 billion just to walk away, people did not vote for a worse trade deal and for worse economic relationships within the European community. Okay, I accept that the Prime Minister says, “You can’t leave and, at the same time, be a member of the single market. You cannot leave and, at the same time, be a member of the customs union.” I am sure she is right, but let us be honest about what we know the Government are seeking to do.

Peter Grant: Please will the right hon. Gentleman explain Norway’s arrangement? Norway has never been in the European Union but is a full member of the customs union and single market, as are Iceland and Liechtenstein. It is a complete fallacy to suggest that being outside the EU has to mean a country is outside the single market—unless it chooses to be.

Mr Howarth: The hon. Gentleman makes a good point. The one I was going to make is that if we are being brutally honest, we all know what is going to happen. The Government, through the negotiations, are going to find a set of arrangements as close as possible to being part of the single market but without being a member of it and something approximating the customs union. If they do not do that, they will not be looking after the best interests of this country. That much we know, which leads me on to the question about immigration.

If the Government are going to achieve anything approximating the customs union and some sort of relationship with the single market, the price they are going to have to pay is to agree some sort of approximate arrangements about the free movement of labour between the UK and the EU. Ministers might say, “Well, we can do that.” No, you can’t. The reality is that if the people negotiating on behalf of the EU were to say, “Okay UK, you can have something that approximates the single market and customs union, and you don’t need to worry about any free movement of labour”, they would soon be removed from their negotiating positions. This idea is not realistic.

Where are we in this audit of what we have achieved since the referendum? First, we have a set of arrangements in this Bill that are less democratic, and that give less power to Parliament and more power to the Executive. That is hardly what was promised in the referendum. Secondly, we are likely to be paying £70 billion for the privilege of leaving—not getting £350 million a week to put back into the health service. Finally, if we get anything like reasonable arrangements on our economic

[Mr Howarth]

relationship with the EU, we are going to have to accept some level of free movement of labour. Everything people voted for is going to be betrayed.

3.47 pm

Mr Owen Paterson (North Shropshire) (Con): I join the right hon. Member for Knowsley (Mr Howarth) in congratulating the hon. Member for Canterbury (Rosie Duffield) on her excellent maiden speech. We were all thoroughly in tune with her on the abuse she has suffered and I hope she will work with other Members on that. She paid a generous tribute to her predecessor, Sir Julian Brazier, who was a fine parliamentarian for many years.

Some 17.4 million people voted in the referendum to leave the European Union and 16 million voted to remain. Polls show clearly that a large percentage of the 16 million now want us to get on with it. If we do not, catastrophic damage will be done to confidence in the integrity of all of us and the UK political establishment. We must progress taking back control to our democratic institutions of our laws, borders and money. In February, 494 Members voted to trigger article 50, and we will exit at midnight on 29 March 2019. What we are debating today is a crucial stage in that process, because article 50 states:

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

That requires us to repeal the European Communities Act 1972—good riddance to it; we will be a better country without that Act.

Today, we have seen a strange mixture of “Project Fear” morphing into “Project Humbug”. I had the pleasure and honour of serving as a junior member on the European Scrutiny Committee for several years. I clearly recall being shocked by the piles of papers imposing burdens on our citizens, which we could not debate or amend. One day, a couple of Labour members were ill and a Lib Dem member got stuck in the lift, so we were able to vote for a most pernicious measure affecting the dairy industry in my constituency to be debated on the Floor of this House. We could not have amended it, but we could at least have debated it. However, the then Leader of the House, the right hon. Member for Derby South (Margaret Beckett), stood up in business questions and cancelled the debate. All that will stop; from now on, we will have the power to debate these measures. We will not impose law on our benighted citizens that we have not debated.

There is all this talk about “Project Fear”. As a founder member of Vote Leave—I was one of the first three MPs to join—I remember discussing changes to employment rights with the hon. Members for Vauxhall (Kate Hoey), who is in her place, and for Bassetlaw (John Mann). I reassured them that at absolutely no stage had any Tory Member considered changing employment rights. I cannot remember any discussion, private or public, where it was raised. It is pure “Project Fear”. Employment rights will be brought back into the control of democratically elected politicians in this House.

I thought the Opposition spokesman, the right hon. and learned Member for Holborn and St Pancras (Keir Starmer), made a very interesting argument, taking the very worst case. I hope that the Government will listen

to concerns about how some of the so-called Henry VIII clauses might be amended. I suggest that clause 7(7) brings in a sunset clause of two years. I think more judicious use of sunset clauses might be valid, but we must press on, because we need a smooth transfer of power. According to EUR-Lex, 3,055 agriculture measures may need transposing. In fisheries, one of my previous responsibilities, there are 786 measures. In total, there are 20,319 measures. Businesses need smooth continuity.

Some years ago I looked at the history, having had a private Member’s Bill on the disapplication of EU law, the European Communities Act 1972 (Disapplication) Bill, and there are many historical precedents. The colonies of Virginia, Delaware, Pennsylvania, New York, North Carolina and Massachusetts all took the then English and Welsh common law into their corpus of law. When Australia and New Zealand left our jurisdiction, they also did that. Interestingly, India did exactly the same in 1947, and it is still amending its law. Only in 2016 did it pass an Act amending 90 Raj-era Acts, including the Elephants Preservation Act 1879.

What we are doing is setting up a continuous process, and Labour’s position is wholly ludicrous. Some 162 Labour Members voted for article 50. Labour’s manifesto said:

“Labour accepts the referendum result.”

That manifesto also said that Labour wanted to leave the internal market and the customs union. The Labour leader has to be the most contumacious leader of any party.

Mr Duncan Smith: This intervention is not about the Elephants Preservation Act 1879. Does my right hon. Friend not agree that the most complex area here is within the remit of the Department for Environment, Food and Rural Affairs, because so much of it was run by the European Union? Many of those laws will need to be changed and added to, and that is why some of the powers in the Bill are necessary.

Mr Paterson: My right hon. Friend is spot on. That is why the Government sensibly are going to bring forward primary legislation in this House on agriculture, fisheries and the environment.

I ask the Labour party to look at its position. It is ludicrous. It has a leader who has rebelled against his party 617 times and has to be the most contumacious leader in this country’s political history. It accepted the referendum in its manifesto and voted for article 50. The sensible measure is for the Labour party to vote for Second Reading and then see reasoned amendments put through in Committee. Many of us would agree that the Bill can be improved, but the public will not forgive Labour if it is seen to be monkeying around with the political process, playing cheap political games when 17.4 million people voted to leave and take back control of our laws, our money and our borders. I will be voting for Second Reading on Monday.

3.53 pm

Mr Chris Leslie (Nottingham East) (Lab/Co-op): The right hon. Member for North Shropshire (Mr Paterson) talks about promises made, but I think we all remember the promises made by those campaigning to vote leave in the referendum, resulting in the Bill we have before us. They promised £350 million a week for the national

health service, and I am still waiting to see that clause in the Bill. The Secretary of State for International Trade said that it would be the easiest thing in the world for us to have all these fantastic trade deals and that by now we would be halfway towards trade deals 10 times the size of the European Union. And yes, as the right hon. Member for North Shropshire helpfully repeated, they promised that if we held that referendum and got that result, we could take back control. Well, here we are, with this Bill before us, and it is indeed the case that some are taking back control, but it is not Parliament; it is the Prime Minister and the Executive—those on the Crown payroll.

As my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper) said earlier, it is unacceptable with respect to the British constitution that we should be asked almost to create one of the most supine Parliaments that has existed around the world, as we are in the shape of the provisions set out in the Bill, particularly clauses 9 and 17, which will gift such wide-ranging powers to Ministers. As I indicated when the Secretary of State opened the debate, it is all very well for Ministers to promise, “Don’t worry, I give you an undertaking that we won’t misuse this power in this particular way. Just because it says that we can take any order-making power if we deem it appropriate, we won’t abuse it in any way,” and it is all very well that the legislation says the Government will use the super order-making power, which will allow them to make an order for a month without reference to Parliament even through a negative statutory instrument, only if it is urgent, but that definition is entirely in the hands of Ministers, and of course Ministers are here today, gone tomorrow.

Ministers can come and they can go. Members from all parties need to imagine their worst-possible scenario for who could be Prime Minister. Stranger things have happened. They should think about whether they want to vest in the hands of that individual—he or she—those massive and sweeping powers, perhaps for a prolonged period. It is true that clause 9 says there might be a two-year limit for some of these powers, but of course that clause will allow a Minister to reform this Bill itself when it is an Act. The Minister can simply say, “Two years—no, I have changed my mind, let’s go for three. Let’s go for five years.” It is a completely ridiculous open-ended measure.

We will not have much time to debate the Bill. We have a ridiculous programme motion that gives only eight days for scrutiny in Committee. The Bill gives carte blanche in so many ways. By the way, the Ways and Means and money resolutions on which we will vote on Monday grant powers for “any expenditure” under the withdrawal agreement, possibly including that £30 billion, £40 billion or £50 billion—who knows?—divorce alimony settlement. It is ridiculous that Parliament would take away its own powers in this way. We have to be able to see the withdrawal agreement and the seven pieces of Brexit legislation before we hand to Ministers such sweeping order-making powers.

The Bill is not just about process and processology in this place. I sometimes wonder whether the public look at us and think, “Why are you officiously checking the air pressure on the tyres before you get in a vehicle and drive it over the cliff edge?” The debate is very much about whether Britain leaves or stays in the single market, because the Bill will delete the European Economic

Area Act 1993. It is very much about whether we have a good free trade arrangement without tariffs and customs barriers, because the Bill will take away many of the arrangements we have for a common commercial alliance with our European partners. It is about jobs, business and austerity, because the Treasury needs the revenues from a decent economy to pay for public services. That is what we are fighting for, so the Bill needs to be opposed.

3.58 pm

Mr Dominic Grieve (Beaconsfield) (Con): First, I congratulate the hon. Member for Canterbury (Rosie Duffield) on her maiden speech, which I greatly enjoyed. Canterbury is a city I know well: it is where I spent many of my early years at the Bar, cutting my teeth as an advocate. I hope I can remind myself of some of the lessons I learned there in contributing briefly to this debate.

I shall support the Government in the vote on Second Reading. The Bill is vital: we cannot leave the European Union sensibly without such a Bill on the statute book. The Government need support, and they will have it from me. Nevertheless, I regret to have to say to my right hon. and hon. Friends that unless the Bill is substantially improved in Committee, I will be in no position to support it in its current form on Third Reading.

In many respects, it is an astonishing monstrosity of a Bill. Its first failing is its entreatment of EU law itself. I do not much care for EU law—I did not much enjoy practising it, although I had outings to the European Court of Justice when I was Attorney General—but it is a different form of law from our own, which we imported, and which, in many ways, has filled vast areas that otherwise we would have developed in our own domestic law. So we need to nurture it, because we cannot get rid of it overnight without leaving enormous gaps. In addition, there are safeguards within EU law that do not exist within our law and need to be retained, because otherwise EU law will act unfairly. Again, they are different from our own.

I have a number of areas of concern. The Bill does not deliver clarity. Its importation of EU law is hedged around with ambiguities that undermine one of the key pillars of the rule of law, which is certainty about what the law is. One example is given by my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), but there are numerous others. For example, Clause 2(1) is so widely drawn that retained EU law will include domestic law that was implemented entirely domestically but has a link to the EU. That would then make something like the Equality Act 2010 susceptible to change by statutory instrument in clause 7—something which I suspect everybody in this House would regard as completely unacceptable.

Sir Oliver Letwin: Does my right hon. and learned Friend agree that we could address that in Committee not through a change to clause 2, which is pretty fundamental, but through changes in clauses 7, 8 and 9, with which we are already concerned?

Mr Grieve: Absolutely. I entirely agree with my right hon. Friend. These are all curable, and readily curable, with just a little bit of will.

[Mr Grieve]

There is another example on which we have already touched. EU law never used to be divided between primary and secondary legislation. Interestingly, it is all being treated as primary, which has the nice merit—I am sure that someone in Whitehall dreamed this up—that none of it would be susceptible to be quashed by a challenge under the Human Rights Act. That may not matter, but it is capable of causing unfairness when it is linked to the fact that the other area of challenge that would normally be available, which is a challenge because something is in breach of the general principles of EU law, has been delicately removed along with the charter of fundamental rights.

I hope that I may be forgiven for saying this about my right hon. Friend the Secretary of State. I have had some wonderful times with him—journalists once said of him that he used to stand up and club Labour Home Secretaries over the head and then I would come along and dissect them in public with a legal scalpel—but I just slightly detect that he was looking a bit like a fugitive as the legal scalpel started to move in on him. I do not know where that idea came from, but somebody will have to sort it out. We will have to do it at the Committee stage of the Bill. There are other examples that I could give, but I do not have the time to do so right now, so I shall leave them for the Committee stage in which I intend to participate actively.

Let me move to the Henry VIII clauses. The current situation is ridiculous. I recognise that there will have to be Henry VIII clauses. Of course we cannot carry out this massive revolutionary transformation by primary legislation alone, but we can ensure that we have the necessary safeguards in place. The most obvious one is to have an established parliamentary system of scrutiny to ensure that the different types of statutory instruments that will be needed are correctly farmed out. I have no doubt that my right hon. Friend is right that the vast majority of them will be technical and of very little account, but some will be extremely important and will need to be taken on the Floor of the House. We need to have a system in place to do that.

Stephen Lloyd (Eastbourne) (LD): Will the right hon. and learned Gentleman give way?

Mr Grieve: No, I must make progress. There is another issue with Henry VIII clauses. We need to look at the ones we have, as some are much too widely drawn. For example, clause 7 talks about “any deficiency” in an EU measure. It is one thing to say that it is inoperable, but quite another to say that it is deficient. Frankly, I could find arguments to suggest that every single law in this country is deficient. I am afraid that these will have to be changed.

Finally, let me turn to the question of the programme motion. I have no objection to programme motions; they are very important and, in my view, a properly structured programme motion can work well. I am prepared to support the Government on such a motion as long as I have an assurance that, so long as it is not because of filibustering, if we run out of time we will get more. That is vital. With that, I wish the Bill well. I hope that I might be able to improve it and I look

forward to being able to support the Government on Third Reading and bring this important constitutional measure to completion.

4.5 pm

Tom Brake (Carshalton and Wallington) (LD): There were some excellent speeches after the Secretary of State’s. Things went slightly downhill after that but things started to look up with the maiden speech by the hon. Member for Canterbury (Rosie Duffield). I have just one slight criticism: she did not mention Barham in her list of villages, which is one I know very well. I thank the right hon. and learned Member for Beaconsfield (Mr Grieve) for his speech and his reference to the monstrosity that is this Bill.

The Liberal Democrats believe that Parliament must be given comprehensive sovereignty and scrutiny over this process. This opinion is widely supported, not just by many Members on both sides of this House but by organisations such as the Law Society, which states that the Bill

“must respect parliament’s role in making and approving changes to UK law”.

Parliament must drive the future of the United Kingdom and of Brexit, not Ministers using Executive—indeed dictatorial—powers to exercise total control over the legislative process. The Government’s decision to provide just two days for Second Reading means that Members will have just five minutes in which to make their points and eight days in Committee for a Bill that unravels 40 years of closer EU co-operation, shows the extent to which Parliament is held in contempt by Ministers.

The Secretary of State and other Ministers might be quick to dismiss Lib Dem criticism of the Bill, but before they do I would encourage them to think back to 2008 and the by-election triggered by the Secretary of State, the catalyst for which was Labour’s highly illiberal plan to increase pre-charge detention from 28 to 42 days. A build-up of attacks on our civil liberties led him along that by-election path and there is a widely held view, which I share, that this Bill represents a major attack on parliamentary sovereignty and therefore a present and future risk to our civil liberties. I am not alone. A legal expert at Bryan Cave, commenting on the Bill, said that it will give

“powers allowing ministers to fast-track the implementation of certain EU laws into domestic law through regulations without parliamentary debate.”

Liberty’s analysis is that the Bill

“could be used by Ministers to ride roughshod over UK citizens’ human rights”

leaving

“gaping holes where our rights should be.”

There are similar concerns from the Fawcett Society that the Bill could be used to alter UK laws on equality and human rights without parliamentary scrutiny.

Indeed, some Government Members, if they pride themselves on holding consistent views, should also be alarmed. Thirteen Government Members and five from these Benches, some of whom are here today, wrote to *The Daily Telegraph* in January 2016, stating:

“Whatever one’s views on the EU debate, many will agree that parliamentary sovereignty should be the key focus in any renegotiations.”

They now have an opportunity to demonstrate by their actions rather than their words that they value parliamentary sovereignty more highly than ministerial expediency. Will any of them have the courage of their convictions, or did their commitment to parliamentary scrutiny have an expiry date of 23 June 2016?

The truth is that the Bill was always going to be a sow's ear, because the Government started the negotiations without clear objectives or outcomes in mind so the Bill had to cater for any eventuality or scenario, deal or no deal. What started with democracy must not end with a stitch-up by Ministers. The Liberal Democrats believe that the people, as well as politicians, must have a meaningful vote on the final deal. If they do not accept the deal negotiated by the Prime Minister and her Cabinet, they should have the option to remain a member of the European Union. The Bill must provide for this, but instead it denies Members of Parliament our right and duty to scrutinise and takes powers away from devolved Governments. It gives unbridled power to Ministers and makes a mockery of Brexiteers' rallying cry of "Take back control of our laws." It must be resisted at every turn.

4.9 pm

Mr David Jones (Clwyd West) (Con): As my hon. Friend the Member for Stone (Sir William Cash) pointed out, this is an historic Bill by any standards. In fact, it is hard to think of a clause 1 of any Bill more momentous than:

"The European Communities Act 1972 is repealed on exit day."

But beyond that, it is possibly not such a dramatic piece of legislation.

I was quite pleased when the original working title of the "great repeal Bill" was abandoned because it is not, beyond clause 1, a repeal Bill. In fact, it is the great preservation Bill. It carries out a workaday, almost prosaic function but, nevertheless, an important one: to preserve in United Kingdom law the European law we have absorbed over the past 44 years to ensure that there will be a working statute book in this country on the day of exit, which will very probably be the stroke of midnight on 30 March 2019, Brussels time. This should not be a contentious matter. All Members of this honourable House should be anxious that we have that certainty for business and the citizens of the country when we leave the European Union. I am surprised, therefore, that the Opposition have decided to table a reasoned amendment in which they make it quite clear that they intend to wreck the Bill.

I really wonder whether the Opposition have given any consideration to the impact that their decision may well have on the interests of business and commerce in this country. We have to ensure that the statute book works on the day of exit. Frankly, the only way that we can achieve that in the timescale by which we are constrained, and which is set out in article 50, is to have a flexible and pragmatic system such as the one laid out in the Bill. That does not mean that the Opposition supinely have to accept everything without possibly considering amendment, but it really is quite reprehensible simply to go along a course of trying to wreck the Bill.

We certainly have to consider the mechanisms that are to be employed. Listening to the speeches of the right hon. and learned Member for Holborn and St Pancras

(Keir Starmer) and other Opposition Members, the overall impression I get is that the concern is not so much about the methodology of ensuring continuity of legislation. It is rather the issue of scrutiny of the measures that will have to be brought forward under secondary legislation. Some measures will certainly be prosaic and straightforward. For example, I cannot think that anyone would object to a measure that would replace a European institution with a British institution as needing anything more than a piece of secondary legislation under the negative procedure. Other measures will certainly be of greater moment.

The right hon. and learned Member for Holborn and St Pancras mentioned today's report by the House of Lords Constitution Committee. An earlier report of that Committee in March this year came up with certain sensible suggestions for scrutiny. One example was setting up a Joint Committee of both Houses, an idea that my right hon. Friend the Member for Broxtowe (Anna Soubry) also touched on. I would have thought that, rather than seeking to destroy the Bill—with all the adverse consequences that would have on the national interest—Opposition Members should possibly give consideration in Committee to putting forward some enhanced form of scrutiny of the sort that was contemplated by the Constitution Committee in its report. That is the proper way forward.

Simply to seek to destroy and wreck the Bill does nothing for the reputation of this House, and we have heard so many speeches this afternoon about preserving that reputation. I, for one, am happy to support the Bill on Second Reading and I urge other hon. Members to vote for it.

4.14 pm

Graham Stringer (Blackley and Broughton) (Lab): I will support the Bill on Second Reading for two reasons—one relatively small and personal, and the other to do with the general principles of democracy.

The first is that, when I joined the Labour party as a very young man, my Labour MP, Paul Rose, who was the youngest Member of Parliament elected in the 1964 Parliament, was one of the 69 Labour rebels who voted with Ted Heath to implement the 1972 Act. I have been smouldering with quiet anger over the 45 years since that happened, so it is a personal delight to be able to vote to repeal that Act—Paul Rose certainly made his constituents and constituency party very angry at the time.

The much more substantial reason, however, is that we had a referendum last year, and people voted by a majority to leave the European Union. Although this is not the Bill that takes us out of the European Union—that is done under article 50—it is absolutely fundamental to leaving the European Union. Having made their decision, and many of the people who voted remain having come to the conclusion that we should get on with it, I do not think people will understand the Labour party's tactical position of voting against the Bill, having said in the general election only three months ago that we would implement our manifesto. That is not a principled position, and I do not think the electorate like it. I think the Labour party has made a serious mistake in coming to the conclusion it has, and I hope it can reverse it between now and the vote on Monday evening.

[Graham Stringer]

Having said that, I think my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer), who led for the Labour party, made some substantial points about flaws in the Bill, as did other speakers. While I will vote for Second Reading, I hope Ministers are listening carefully to what has been said and will come forward with compromises. It is not healthy to have so many Henry VIII clauses. Every Government has had Henry VIII clauses, but not of this substantial nature.

I have never liked self-amending regulation, which was one reason I went through the Lobby against the Lisbon treaty with the Leader of the Opposition and the shadow Chancellor. The Lisbon treaty contained passerelle clauses, which effectively allowed bureaucrats in Brussels to change our laws without any response from Parliament. To respond to what the previous Attorney General said earlier, I do not believe that two wrongs make a right, but I do believe in consistency: it was certainly wrong to have passerelle clauses and huge Henry VIII clauses before, and it is wrong now. I hope the Government will listen to the reasonable points that have been made.

A great many points have been made, and one cannot, in the short period of five minutes, cover all the positions that have been set out. I would make one point, because there has been genuine concern on the Labour side about the loss of protection from environmental laws and changes to trade union laws. What lies underneath that is a belief that everything that has come out of the European Union has been good for trade unions and the environment. That simply is not true. If one looks at the Laval judgment from the European Court of Justice or the Viking judgment, one sees that they undermine minimum wage legislation and the definition of what constitutes a trade dispute. If one looks at the width of environmental legislation, one sees that there is a lot in the history of the EU that has done serious damage to the environment. The issue that comes to mind most is the fisheries policy, which nearly denuded the North sea of cod and other fish.

I hope that the Government are listening and will come forward with some compromises, and if it is necessary to give us more than eight days, I hope that that time will be given.

4.19 pm

Richard Benyon (Newbury) (Con): I will curtail my remarks to focus on the parts of the Bill that deal with the transposing of EU laws and regulations as they concern environmental protection.

I have every faith in the Government's determination to transpose the full suite of regulations that have been successful in protecting many aspects of our environment and in Ministers' frequently stated wish that we will leave the environment in a better state than we found it. My right hon. Friend the Secretary of State for DEFRA has made a superb start, and what he says about the environment warms the cockles of my heart. However, what we are talking about here is for ever—certainly for the foreseeable future decades ahead, and it can be amended by future Governments. Who knows what

forces will be pulling on Governments of the future that could result in much-valued environmental protections being dumped?

We therefore need to implement measures that are backed by a new architecture of governance. I find myself attracted to some of the remarks being made by the hon. Member for Brighton, Pavilion (Caroline Lucas). That is probably to the consternation of some of my colleagues, but I think her sentiments are right. We might disagree on what that architecture is, but she is right to raise the matter. We want to prevent future Governments from playing fast and loose with protections that have cleaned up our beaches and our rivers, started to clean our air, and could and should be extended to our soils, our seas and other fundamentals of our very existence and the future of our economy.

One measure that is, on the face of it, impossible to replicate in the Bill is the process of infraction—fines with lots of noughts on the end that are imposed on a member state's Government for failure to comply with a directive. I can assure hon. Members that this is something that keeps Ministers awake at night. For example, the potential failure of the UK to comply with the urban waste water treatment directive has resulted in a £4 billion-plus scheme to build a new sewer a few yards from where we sit to clean up one of the greatest rivers in the world running through one of the greatest cities in the world. When I was a Minister at the Department for Environment, Food and Rural Affairs in 2010, infraction hung over me and the Government. It ensured that every action the Department took was compliant with the directives of the EU. If it was not, we would face the risk of a huge fine.

While I am glad that the Government intend to transpose all EU law into UK law, as set out in clause 2, the question then emerges of how we can properly enforce those changes. The water framework directive is the only show in town in terms of cleaning up our rivers. Only one fifth of the chalk streams in this country are fully functioning eco-systems—a national disgrace, to my mind. But we are on a glide path to correcting that through the clear and unequivocal measures set out in that directive. A supra-national body like the EU is obviously able to fine a member state for failure to comply, but it is hard to imagine circumstances where a Government could, or would, fine themselves. It concerns me that judicial review seems to be seen in the Bill as sufficient on its own. In fact, to ensure that the environment is protected, a proper body with the ability to audit the Government, working with non-governmental organisations, needs to be put in place.

As I have said, I have great faith in people like my right hon. Friend the Secretary of State and others to protect the directives, but I fear that future Governments may not be so rigorous. Our constituents need to have the reassurance that we are protecting the protections. We need assurances that we can fill the gap that the loss of measures such as infraction would create. I have no silver bullet to solve that, but I am looking to achieve it through the progress of the Bill and possibly future pieces of primary legislation.

I believe that it is our absolute duty to scrutinise the Bill. I utterly reject some bizarre comments I have seen in the press saying that scrutiny somehow undermines the will of the people. I intend to vote for the Bill on Second Reading. I believe it can be improved in Committee.

It is absolutely vital that we assist the Government in trying to make something that is workable not just now but for the very long term.

4.24 pm

Stephen Timms (East Ham) (Lab): I agree with a number of the points that the right hon. Member for Newbury (Richard Benyon) has just made. George Osborne was right in his headline in the *Evening Standard* yesterday to describe the effect of the Bill as “rule by decree”. That headline was prompted by an article written by the right hon. and learned Member for Beaconsfield (Mr Grieve), and I pay tribute to him for his article and his interventions in this debate. I agree, in particular, that this is

“an astonishing monstrosity of a Bill.”

Unlike him, however, I do not intend to vote in favour of it.

The right hon. and learned Gentleman is right to raise concerns about the explicit intention in the Bill not to put into our law the charter of fundamental rights. My right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper) was right to tackle that earlier. Ministers have told us that they do not intend the Bill to dilute employment rights, environmental protections or other things that we have, but there is no assurance at all in the Bill that those dilutions will not go ahead. We need much more reassurance than we have been given.

I want to raise with the House a very practical example of a problem with not putting the charter of fundamental rights into UK law. Article 8 deals with the protection of personal data. It says:

“Everyone has the right to the protection of personal data concerning him or her... Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law.”

That article underpins data protection law, and it underpins the legal frameworks permitting the free flow of data across European borders. It is absolutely essential that the Government secure an adequacy agreement from the Commission, confirming that data protection in the UK is adequate from a European standpoint, so that UK businesses can continue to exchange personal data with EU countries.

If Ministers do not achieve such an agreement, they will have removed the basis for the lawful operation of countless British businesses. TechUK has pointed out the extent of UK leadership in this field: 11% of global data flows pass through the UK and 75% of that traffic is with the EU. But Ministers will not get an adequacy agreement if this commitment is not contained in UK law. We need article 8, or an equivalent affirmation of the same principles. I see no justification whatever for not taking that article or, indeed, the rest of the charter into UK law.

It is a real mystery to me why Conservative Ministers have become so impervious to the basic needs of British businesses in their handling of Brexit. My right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) was absolutely right to point out in his response to the Secretary of State at the start of the debate that we have to stay in the single market and customs union for at least the duration of the transition phase. On taking office, the Secretary of State told us

that his negotiation would secure “barrier-free access” for UK businesses and consumers to the EU single market. He does not say that any more.

The Under-Secretary of State for Exiting the European Union, the hon. Member for Wycombe (Mr Baker), who is in his place on the Front Bench, said at Brexit questions earlier today that we will have the “minimum of frictions” in our trade with the European Union. The reality is that we need barrier-free access. We need access to the single market for UK businesses and consumers that does not involve tariffs or non-tariff barriers, and the only way that we will get that before the conclusion of the negotiations is if we stay in the single market and in the customs union. I very much regret that Ministers have rejected that idea—the Secretary of State told us that they did think about it—and I think that that is one of the reasons why we need to reject the Bill.

4.29 pm

Anna Soubry (Broxtowe) (Con): It is a pleasure to follow the right hon. Member for East Ham (Stephen Timms), but let me also say how much I agree with so many of the comments in Conservative Members’ speeches about the folly of the Opposition’s decision to oppose the Bill at this stage. Opposition Members will vote against it without seeing that it actually has to be done. They say it has to be done, and indeed, it does have to be done: we must transfer all the regulations, directives, laws and so on. There are, as we all agree, many faults in the Bill, but Opposition Members will be letting down many of the people in their own constituencies who voted leave, and who will see this for the playing politics that it undoubtedly is.

I fully endorse and totally adopt all the contents of the speeches of my right hon. and learned Friends the Members for Rushcliffe (Mr Clarke) and for Beaconsfield (Mr Grieve) and my right hon. Friends the Members for West Dorset (Sir Oliver Letwin), for Loughborough (Nicky Morgan) and for Newbury (Richard Benyon). I very much note the outbreak of unity on the Government Benches, and indeed across the House as well. There have been some excellent speeches, and some very good points have been made by right hon. and hon. Members on the Opposition Benches. Notably, I have also taken into account the wise words of my right hon. Friends the Members for Chingford and Woodford Green (Mr Duncan Smith) and for Clwyd West (Mr Jones).

There is growing concern about the Bill, and my biggest concern is the power grab, as I would put it, by Ministers—the transfer of powers to Ministers with very little, if any, influence for debate in the Chamber and decision making in this place.

Wera Hobhouse (Bath) (LD): Will the right hon. Lady give way?

Anna Soubry: I will in a moment.

I want to thank my right hon. Friends the Prime Minister and the Secretary of State, who have clearly already listened to the many concerns expressed by Government Members. I and others will be having a meeting with the Prime Minister, and I look forward to that. I also look forward, in due course, to some serious Government amendments being tabled, or perhaps the

[Anna Soubry]

adoption of amendments that will no doubt be tabled by right hon. and hon. Members on the Government Benches.

As the House will know, I share the real concerns about clause 9. Frankly, I think it should simply be withdrawn. Clause 17 is certainly open, if not to withdrawal, at least to some serious, considerable and fundamental amendments. I am concerned about the delegated legislation for the reasons I have outlined in interventions and for those given in other Members' excellent speeches. As I have said, I think we can find other mechanisms for delivering the delegated legislation while making sure that we scrutinise it properly. We have existing Committees that we can either strengthen or increase in size so that we can filter consideration out through so-called triaging. That is probably an appalling abuse of the word, but we all know what it means. It is a good idea, and it is gaining much support among Government Members as well as Opposition Members.

May I just say something that I think needs to be said? I say this to all the perfectly reasonable and sensible people, not just those in my constituency of Broxtowe, but the many millions throughout this country who voted leave on 23 June 2016. If anybody tells you that people like me are doing everything we can—in scrutinising legislation, tabling amendments and perhaps even voting for them—to thwart the will of the people, they are telling you lies. I am not going to put up with it any longer, because this needs to be said. We are leaving the EU. Even my right hon. and learned Friend the Member for Rushcliffe accepts that we are leaving the EU. Some of us voted for doing that by triggering article 50, flying in the face of everything we have ever believed in, because we promised our electors that we would honour the result, and that is what we are going to do.

I would say to the millions who voted leave: you should not just question the motives of those who tell you that people like me want to thwart your decision, but look at the other things they promised you before 23 June 2016. They told you it would be this great opportunity to get rid of all the rules and regulations, the miles of red tape and all the things that were strangling British business and the economy, but we are going to take those very same things and place them lock, stock and barrel into substantive British law. They told you that you would get an extra £350 million for the NHS, and you will not. They told you that you would take back control, but if this Bill is not amended, you can forget that, because the people will not be taking back control in this place, but giving it to Ministers. That may not just be a Conservative Government; it could—God forbid—be a Labour Government led by the right hon. Member for Islington North (Jeremy Corbyn). Finally, they told you it would all be so easy, and as you now know, it is not just challenging but a blooming nightmare. However, we will do our best to deliver it, and if it all goes wrong, do not forget that we will be here to clear up the mess, and do not forget who misled you and told you lies before 23 June 2016.

4.34 pm

Liz Kendall (Leicester West) (Lab): Leaving the EU means that we need to convert decades of EU law into our domestic legislation. A Bill that can do that in a

timely and effective manner is essential. That is not what this debate is about. The real question is whether the Bill is fit for purpose, and I am afraid that it is not. The Government claim it will restore sovereignty to Parliament and secure certainty post-Brexit, but that is not the case. It transfers huge powers to Ministers, not to Members of the House, over issues vital to people's lives, such as maternity and paternity leave, holidays, environmental standards and a range of other issues. I fear that the Bill could increase uncertainty, including the likelihood of legal challenge and judicial review, because the powers in it are so broadly drawn.

My right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) and the right hon. and learned Member for Beaconsfield (Mr Grieve) have forensically exposed the reality of the key clauses in the Bill. Clause 7 gives Ministers the power to change EU-derived law that has failed or is deficient, without any definition of what that means; clause 9 could be used to amend the powers in the Bill after it is enacted; and clause 17 gives Ministers sweeping powers to make changes that they consider appropriate in consequence of the Act.

The Brexit Secretary claims, of course, that the Government will not use the powers to make major policy changes, which raises the question: why include them in the first place? Many people, myself included, fear that the powers will indeed be used to water down or remove workers' rights and environmental standards. Some Government Members have tried to brush these concerns aside. Often they are the very same Members who have railed against the use of delegated powers in the past. For years, the Brexit Secretary argued vociferously against the

“trend from representative democracy to presidential oligarchy”.—[*Official Report*, 22 June 1999; Vol. 333, c. 932.]

Oh how times have changed! The right hon. Member for Wokingham (John Redwood) has strongly criticised the use of delegated powers, and let us not forget the hon. Member for North East Somerset (Mr Rees-Mogg), who in 2011, his pre-Brexit and pre-leadership contender days, said:

“It is the perpetual, almost the eternal, job of this House to try to keep the Executive, Her Majesty's Government, under check” and urged Members to take

“tough decisions to hold the Government to account”

even

“when it is a Government whom we support”.—[*Official Report*, 5 December 2011; Vol. 537, cc. 57-60.]

I think that consistency in one's political values and beliefs is vital, however difficult the circumstances, and I urge Government Members to remember the courage of their previous convictions.

As I said, a Bill is necessary to achieve Brexit, and as always I want to be constructive. I urge Ministers to bring forward measures to circumscribe more tightly the powers that the Bill delegates and to strengthen the scrutiny procedures for the most widely delegated powers. If they bring forward amendments along those lines, they will have support across the House.

Brexit presents us with a Herculean task. It encompasses not just transferring half a century of EU law into UK legislation or even agreeing the initial article 50 deal, but finances, the rights of EU and UK citizens, and Northern Ireland, which is already proving a huge

challenge for the Government. It is about defining the future relationship between the UK and the EU for years to come.

Yesterday, the Brexit Secretary said that no one pretended this would be easy, but that is precisely what they did. Before the referendum, the Environment Secretary claimed:

“The day after we vote to leave we hold all the cards and we can choose the path we want.”

Just last month, the International Trade Secretary said that a free trade agreement

“should be one of the easiest in human history”

to agree. Such comments are not just misleading but deeply misguided. They will not build respect or trust with our negotiating partners, and they will not bring Britain together. I fear that we are as divided now as we were at the referendum. Remain voters are angry that their views are being ignored; leave voters are frustrated at progress and worried that we could be tied up in knots for years. We need more honesty about the challenges we face and the inevitable trade-offs and compromises that will have to come. That is the leadership Britain now needs. The Government should step up to the mark.

4.39 pm

Robert Jenrick (Newark) (Con): Thank you for calling me, Madam Deputy Speaker. I am not used to being called so early in a debate.

Like many other Members, or perhaps all of them, I have received numerous emails and letters from constituents who have heard the comments and read the articles. They have heard that the Bill is about creating ministerial decree—fiat—as a result of Henry VIII clauses, and that it is an unnecessary power grab which jeopardises their rights and undermines their Parliament. I take those concerns seriously, as all of us should.

The shadow Secretary of State, the right hon. and learned Member for Holborn and St Pancras (Keir Starmer), who made a superb speech today, highlighted the complexity of the Bill and some of the many questions that I should like to be addressed during its passage, but it needs to be given a Second Reading because, in my view and on the basis of what I have heard this afternoon, the principle is unquestionable. As my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) pointed out, the Bill itself is not so egregious or deficient that it does not provide a clear basis for its future stages—far from it.

Wera Hobhouse: The hon. Gentleman says that the principle of the Bill is good. What we have been discussing today is the principle of undermining parliamentary democracy. Does the hon. Gentleman not understand that that is the principle that is at stake, and that is why we are against the Bill in its present form?

Robert Jenrick: I hope that the hon. Lady will be reassured by the comments that I shall go on to make.

Let us not get ahead of ourselves. Speaker Lenthall is not in the Chair, although we have a perfectly good successor in you, Madam Deputy Speaker. Charles I is not on his way with a warrant for the arrest of my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) and my right hon. Friend the Member for Broxtowe (Anna Soubry), although some might like to

see that. Statutory instruments are a parliamentary procedure. They are not fiat; they are not Orders in Council. They can be debated. We can go and speak about them, and we can vote on them. Parliament may treat them as a Cinderella whose job is to read emails or sign paperwork, but that is our choice. It reflects on the recent history of this place rather than on the procedure itself, or how it should be in the future.

The purpose of the Bill is explicitly to replicate what we have in European law, not to change it. I understand that at least 50% of the statutory instruments will make immaterial technical changes about which no Member in his or her right mind—I know that some Members may not be—would have any concern. There needs to be a mechanism to sift based on materiality, and that point has been made eloquently by many Members today. I hope that such a mechanism will be created in Committee. There will be some material issues—issues on which I have some expertise, or issues that my constituents care about—and I should like to speak about them and ensure that we make the right decisions, but they will not be the majority. I am sure that the whole House can and will find a sensible mechanism during the Committee stage.

Constituents have also emailed me to ask, “Is this necessary?” Of course it is necessary. This is an unprecedented challenge. As we heard from the Chair of the Exiting the European Union Committee, the right hon. Member for Leeds Central (Hilary Benn), it is byzantine. However much some of those who campaigned in favour of leave would like to hide the fact, it is undoubtedly the most complex challenge that has faced the country in my lifetime, if not before. We therefore need a step like this to move the vast majority of European law, if not all of it, on to the UK statute book before we leave.

Let us be honest: there is no easy way to do this. Although the shadow Secretary of State made an excellent speech, highlighting details, deficiencies and concerns, he did not really set out an alternative way of doing it. In fact, no one has done that today: no one has set out an alternative to the Bill that would require any of us to vote against it. The deficiencies and concerns that have been highlighted must and will be ironed out in Committee. That is the truth, and beyond that, I am afraid, it is all party political activity. The Bill, or something extremely similar to it, is necessary, so let us move forward together.

When I explain this Bill in principle to my businessmen constituents and others back in Newark, and appear before the Newark business club, as all of us have—well, many Members will have been to Newark, but not necessarily to visit the business club—they nod, because it is obvious that we need a Bill of this nature so that on the day we leave the EU they can have confidence that nothing substantial will have changed. That is why we need to proceed.

In closing, and perhaps as a rebuke to the hon. Member for Bath (Wera Hobhouse), I say that we can love Parliament and want to jealously guard its rights and privileges created by our predecessors but still show pragmatism in the national interest when the times demand it, because that is politics. That is life; that is the job we are sent here to do. That is poetry and prose, romance and reality; that is what we are sent here to achieve. So every Member who wants a smooth transition and to give our constituents the certainty they are

[Robert Jenrick]

crying out for, and everyone who may have concerns about the deficiencies of this Bill but wants to work together in the national interest to iron them out in Committee and on Third Reading, should vote for this Bill on Second Reading.

4.45 pm

Chuka Umunna (Streatham) (Lab): I do not want to repeat many of the excellent points made from the shadow Front Bench and elsewhere, but I do want to make one observation and two points—one legal and technical on clause 6, and one that is more substantial on clause 9.

First, I want to make an observation. I am sorry, but I disagree with the hon. Member for Newark (Robert Jenrick), who has just spoken: what is proposed in this Bill is unprecedented, as we see from the reaction on both sides of the House.

There is an absurdity in this debate. I spent much of the time during the EU referendum debating against Conservative Members campaigning to leave. More often than not, the core of their argument was about a Brussels elite exercising power, yet I have sat in the Chamber for most of today and listened to them become arch-advocates of transferring power to another elite in this country.

It is a shame that the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith) is no longer in the Chamber. He talked about his participation in the Maastricht debates of the 1990s, and the hon. Members for Harwich and North Essex (Mr Jenkin) and for Stone (Sir William Cash) were also involved. The Prime Minister of the time had a word to describe them all, which I will not repeat today. They were constantly invoking parliamentary sovereignty and the importance of this House determining the future of our nation. It is funny how silent they are on upholding that argument now, and have been over the last few hours of this debate.

Let us be honest about the reason for this and for the absurdity of their position in this debate: they promised Brexit in terms that simply cannot be delivered in the timeframe the Government envisage. That is why we see these unprecedented, extraordinary powers envisaged in this Bill for the Executive. It is entirely right for us to keep reminding people of what the promises were and whether they are being delivered.

My technical point on clause 6—

Mr Jenkin: Will the hon. Gentleman give way?

Chuka Umunna: I will not give way, I am afraid, because of the time. [Interruption.] The hon. Gentleman says he is not silent; he is certainly not silent.

The Secretary of State today said that the Government wish the transitional arrangements to be as close as possible to the existing arrangements. The EU27 are really only going to entertain membership of the single market and a form of customs union, if that is what the Secretary of State means, but they will also expect the rules on the transitional arrangements to be uniform and similar to those we have at present. The problem with clause 6 as drafted is that it does not give a clear

enough instruction that after the exit date the judiciary should interpret UK law in a way that complies with EU law. The Institute for Government states that the ambiguity on this point risks leaving judges stranded on the frontline of a fierce political battle. I can say, as someone who practised as a lawyer for the best part of a decade before coming here, that that must be addressed.

The Bill cannot be allowed to come into force unless this House has approved the deal that is envisaged. The Bill does not state whether any withdrawal agreement will need the consent of both Houses before the powers can be used. The Government have said that we will get a vote on a final deal, but that does not appear to be within the Bill. Rather, it will take place by means of a motion, which would of course not be legally binding. So we have a promise of a vote, but it will have no teeth. That will deprive this House of its proper say not only on the withdrawal agreement but on a situation that the Prime Minister has described in which an affirmative decision could be made to walk away without any deal at all. We are somehow supposed to be passive spectators in that situation. It must be written on the face of the Bill that Parliament will have a part to play in all those scenarios, and that no powers in the Bill will be exercised until Parliament has had its say through a debate written in statute. We have been given many guarantees and assurances by those on the Government Front Bench, but these measures have to be put on the face of the Bill. We are asking for these assurances and scrutinising the Bill in the national interest, and we are entitled to do so without our motives being questioned.

4.51 pm

Craig Tracey (North Warwickshire) (Con): I echo many of the sentiments expressed by the hon. and right hon. Members who support the Bill, and I support many of the points that they have made. I voted to leave the EU, as did 67% of voters in North Warwickshire and Bedworth. During the campaign, it became quite clear that there was disillusionment with what the EU had become. The message I got loud and clear from constituents on the doorstep was that, yes, there was a degree of concern over uncontrolled immigration, but the overriding frustration was around our sovereignty and the consequent ability to control our own laws. The Bill will repeal the European Communities Act 1972 from the day we leave, bringing a welcome end to the supremacy of EU law in the UK, and I support its main purpose of ensuring that the UK has a functioning statute book once we leave the EU. That is obviously in the national interest.

I saw at first hand the negative impacts that EU laws and regulations can have on our local economy during the 20 years I spent running my own small business. Many of the regulations and laws that affected my firm stemmed from Brussels, yet I was unable to trade with its markets. To put this into context, only 5% of our businesses export to the EU, yet 100% are caught by its red tape, with small businesses usually disproportionately affected. During the referendum campaign, research across west midlands small businesses showed that they represented 99% of employers, employing 58% of local people. By a ratio of 4:1, they thought that EU laws made it harder to take on staff. By a ratio of 2:1, they believed that EU regulation hindered them, rather than

helping them. A massive 70% of them thought that the UK, rather than the EU, should be in charge of negotiating trade agreements.

I am mindful, however, of the fact that we need to create an environment that works for everyone, not just those of us who voted leave, so I ask the Government to take into account the following two points as the Bill moves forward. First, businesses are already making decisions in preparation for March 2019 and they require legal certainty in order to meet their commitments to customers once we have left the European Union. Given that much of the detail of the new legal framework will be brought forward through secondary legislation, it is vital that the process of the European Union (Withdrawal) Bill and the programme of statutory instruments be prepared well in advance of March 2019, to provide them with the confidence they need.

Secondly, in order to avoid a legal vacuum on leaving the European Union, it is important that any inconsistencies within existing EU legislation are addressed prior to its transposition into UK law. I therefore stress the need for the Government to consult fully with stakeholders throughout the process of drafting and laying statutory instruments, to ensure that any inconsistencies between EU and UK legislation—especially in relation to their practical implications—are fully addressed by these measures. I firmly believe that there are exciting times ahead for the UK outside the EU, and that if due consideration is given to the issues I have mentioned, the Bill will provide the pathway to the smooth exit that we all want to see. I will be backing it in the Lobby on Monday, supporting the democratic decision of my constituents and the UK to leave the EU.

4.54 pm

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): I want to focus briefly on the Government's wilful misinterpretation of what Brexit means and the constitutional car crash that this Bill entails. Article 50 has been triggered and we are leaving the European Union, but sense can prevail if the Government guarantee our future within the single market, customs unions and the pan-European agencies that are the foundation of Wales's economy. Stating that we can have those advantages by another name is self-deluding. The benefits of continuing our membership of the customs union and single market are well rehearsed, but they warrant an abridged version, because they guide my party's principles.

Wales's export-led economy is reliant on European markets, where 67% of our products find their final destination. Wales is a net beneficiary of European funding to the tune of £245 million. All in all, 200,000 Welsh jobs are inextricably, crucially and vulnerably linked with the great institutions of European economic co-operation. For the sake of argument, let us assume that the dozens of economists, exports and I are scaremongering and that it is not 200,000 jobs that will disappear from the Welsh economy, but perhaps only half of that or a quarter. Will Ministers please be precise and quantify how many Welsh jobs they are willing to sacrifice in pursuit of the UK's brave new role at the vanguard of some globalist utopia?

My right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer), the shadow Secretary of State, was eloquent today and concentrated on the Government's attempted constitutional sleight of hand. Despite the various contradictory push-me, pull-you position of numerous shadow Cabinet members, I believe that their official position is evidently simply to delay the pain and pull us out of the customs union and single market following a period of transition.

Beyond the single market and customs union, there are upward of 40 pan-European agencies that form the basis of our international relations across a range of policy areas. Whether ensuring that planes can safely take off and land, the regulation of life-saving medicines or the safety and security of nuclear material, it seems as though the Government are willing to sacrifice all the advances made by our membership of those agencies, but for what? We are now staring down the barrel of an extreme Brexit gun, and the truth is that the two Westminster parties have their fingers on the trigger. My party exists to serve the people of Wales and that is why I felt it important to re-emphasise what the consequences will be for Wales in particular.

My hon. Friend the Member for Arfon (Hywel Williams) will discuss this in greater detail, but we are seeing a constitutional power grab not just here with the Henry VIII powers, but in the powers that have been handed to our devolved nations. The way in which they will be handled in future is frankly shameful. I will not apologise for defending my country from the disastrous dystopia that will be created by this Government's Brexit strategy, and I will be voting against this Bill's Second Reading.

Ordered, That the debate be now adjourned.—(*Rebecca Harris.*)

Debate to be resumed on Monday 11 September.

Hive Stadium

Motion made, and Question proposed, That this House do now adjourn.—(Rebecca Harris.)

4.59 pm

Bob Blackman (Harrow East) (Con): It is a pleasure to have the opportunity to raise the sale of the Hive playing fields and to see the Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Nuneaton (Mr Jones), on the Front Bench to respond. I well understand if he has problems in answering the debate, given the mix-up between the Department for Digital, Culture, Media and Sport and the Department for Communities and Local Government on who should respond, but I am delighted that the right person will do so.

Via your good offices, Madam Deputy Speaker, I thank Mr Speaker for granting me the opportunity to raise this issue tonight.

This is a tale of mystery, obfuscation and financial mismanagement by both Harrow Council and Camden Council, and of attempts by obscure private organisations to take over a public asset. On repeated occasions I have raised Barnet football club's abuse of the Hive and its failure to adhere to a single one of the management agreements that have been in place for the playing fields for the past 10 years.

Tonight, my key concern is with the creeping transfer, without any checks or balances, of this essential public asset, over which public authorities have attempted to exert control, to private companies that frankly have a history of abusing the commitments they have made.

I will start with a brief history of the site, which was originally known as the Prince Edward's and Watson's playing fields. For some reason that I have not yet been able to fathom, the site was owned by the London Borough of Camden, which took the decision in November 2001 to transfer the asset to the London Borough of Harrow. That was a sensible move, given that the site is wholly in the London Borough of Harrow and always has been, so why it was ever in the hands of the London Borough of Camden is still a mystery to me.

The key point is that the transfer took place, and we can understand why because, obviously, the maintenance of playing fields is a cost to a local authority, and Camden transferred it knowing that Harrow would have to pick up that cost. Under the land transfer, however, the agreement was that the London Borough of Harrow would pay the London Borough of Camden half of the value it received, plus 4 percentage points above the Co-operative bank base rate, if the site were to be sold before 2041. Here we are in 2017 and the site has been sold, but I understand that the London Borough of Camden has not received a penny piece.

If capital were to be generated in excess of what was required to maintain and develop the site, the London Borough of Harrow would have had to pay the London Borough of Camden the money as I have detailed. That agreement was clearly to protect a public asset from falling into private hands and being subject to development as, for example, a housing estate or a commercial development.

When I approached the London Borough of Camden through a freedom of information request, it initially denied ever owning the site or ever transferring it to the

London Borough of Harrow, and therefore, of course, it had no consideration on the site, which smacks to me of the London Borough of Camden not seeming to know what has gone on with the assets it has transferred. It responded to the freedom of information request only yesterday by advising that it had no outstanding ownership of the site, but that it owned the freehold until 21 November 2001, when it transferred the site to Harrow for zero consideration.

Basically, the London Borough of Camden has only just woken up to the fact that it had owned the site and that it should be entitled to some funds were the site to be sold, yet it denied owning the site in the first place, so there is some confusion.

When the site was transferred, Harrow Council attempted to maintain it and bring it back into proper use for the public, and there was a part development of a football stadium on the site. That was a disaster; it went to rack and ruin. As a result, an agreement was made with The Hive Foundation Ltd—this goes back to 24 June 2007—when the idea was that these playing fields would be brought back into public use, with youth facilities, educational departments, and schools in Harrow and in Camden having the opportunity to use the facilities on the site. Over the past 10 years that has been outstandingly successful, with youth teams and schools having been able to use the site, which I warmly applaud.

That agreement was projected to run for 50 years, giving the London Borough of Harrow control over what happened on the site. Unfortunately, then comes the unfortunate tale of the involvement of Barnet football club. Originally, the team played in Barnet, at Underhill, which it eventually left following relegation from the Football League. Despite the fact that it was using the Hive as a training ground and despite a strict management agreement that no professional football could be played at the Hive, by Barnet FC or anyone else, that did not stop Barnet FC. When it left Underhill in 2013, it immediately started playing its professional games at the Hive, completely ignoring the management agreement in place with the London Borough of Harrow. A dispute then occurred between Barnet FC and Harrow Council as to what constituted “professional football”. In my view, the football Conference is professional football, and that is where Barnet football club was playing its football, so it was in breach of the management agreement. However, Harrow Council decided not to enforce it, so Barnet FC just carried on.

I took up this issue because in 2013, when Barnet FC started playing its professional matches at the Hive, the impact in the local area was huge. No consultation took place with any of the public or the stadium's neighbours. What happened then—this continues to happen on match days—was that the whole area became surrounded by traffic, as, funnily enough, most of Barnet FC's supporters come from Barnet. Our area's public transport has a radial system of spokes on the tube. Barnet has the Northern Line, and Harrow has the Jubilee, Bakerloo and Metropolitan lines. There is a good service on the Jubilee line, but Barnet FC supporters coming to the stadium from Barnet have to travel into the centre of London and then back out again in order to take the tube. There is a bus service there, but most people do not want to use it and do not do so, which means that they drive. The car park at the Hive charges for the privilege of parking, whereas the streets are free—so

guess where the supporters park. Since 2013, the residents around the stadium have been severely impacted as a direct result.

Barnet FC has refused point blank to respond to any of my letters or phone calls for more than four years. I have never had a reply from the club to any of the queries I have raised with it, which demonstrates its complete contempt for democracy and the local residents, whom I seek to protect. Indeed, a resident alerted me to the fact that Barnet FC has now obtained the site's freehold from the London Borough of Harrow, and not a single member of the public has ever been consulted about the implications of what has happened.

The key point is that I have encountered a litany of problems that have occurred with Barnet FC. Harrow Council has always said that its management agreement allowed it to exert pressure on Barnet FC to do the right things and to make things right, but let me go through one or two of the problems we have faced. Under the agreement Barnet FC had an obligation to plant trees to mitigate the noise and nuisance it is causing to local residents, but not a single tree has been planted. That agreement goes back five years, yet not a single tree has been planted—Barnet FC refuses to do so and resists all attempts to make it do so.

When Barnet football club was promoted again from the Conference to the Football League after a year, it carried on playing its professional football and Harrow Council took no action whatever. Even though that was without question a breach of the management agreement, the club just carried on. We also had the challenge of Barnet football club applying for a 24-hour liquor licence on the site. I can understand that after football matches and during games there might be a need for hospitality for supporters and for other events to have an alcohol licence—that is perfectly reasonable—but there is absolutely no need for a 24-hour licence for the site. Barnet proceeded to push that, so that it could attempt to increase its income on the site, causing noise and nuisance to all the surrounding residents.

We had other breaches of planning permission, and the erection of floodlights without planning permission. Residents now do not have to pay for the cost of lighting their homes, because on dark nights their homes are illuminated by the floodlights, although of course a direct result of that is that they and their children cannot go to sleep. Barnet erected a west stand that is twice the size it was permitted to build, and Harrow Council failed to take any action. Originally, the council turned down the subsequent planning application after the stand had been built, but then withdrew the enforcement action under the threat of legal action. Now that Barnet football club has complete control of the site, it has put in a major planning application that has given great concern to residents about the massive stadium that could be built.

The London Borough of Harrow sold the site to Football First Ltd for £2 million and a few extra pounds on 17 March 2017. That referenced the original transfer from the London Borough of Camden to the London Borough of Harrow, but still no action has been taken about whether the London Borough of Camden should receive any compensation. There is a covenant not to build on the site before 21 November 2041 for any

purpose other than sports-related activities, but the reality is, can we have trust as to what may happen on the site in the future?

A service level agreement exists between the London Borough of Harrow and Football First Ltd. It is explicit and lasts for 50 years. Indeed, if there are five breaches within the first 24 months, the London Borough of Harrow can cancel the agreement. What is not clear in the legal documentation is what happens if there are breaches and the service level agreement is cancelled. What would happen to this previously public asset? Would it transfer back to the London Borough of Harrow and therefore public ownership, or would there just be no service level agreement on the site for schools and other groups? There is an agreement that children under 12 and living in Harrow should have access to free tickets for Barnet football matches.

We have a position in terms of transparency where the London Borough of Harrow and the London Borough of Camden basically ignored my initial freedom of information requests. They reluctantly then acknowledged that my office was correct and they were wrong. The London Borough of Harrow has not yet responded to my second FOI request, and we are still awaiting the details from that. We have a publicly owned asset that has been transferred to a private enterprise with no consultation with the public, no agreement, no controls on parking and no controls on what happens on the site. We still have the mystery about what happened with the transfer of the land from Camden to Harrow, but Harrow has gradually relinquished the site, year by year. That raises a question about how councils manage public access, which should be for the value and benefit of the public.

The residents in immediate proximity to the stadium are extremely unhappy. Indeed, I think all Harrow residents will be angered by how council tax payers had to stump up to develop the site, only for the council to sell it off at well below the market rate for land like this in Greater London. Local authorities should manage public assets in a professional and transparent manner. Harrow Council has clearly failed to realise its obligation, and by selling the land it has allowed this asset to be transferred to a club and a series of private firms. We do not know what they will do with it or what controls can be exercised over it, and the residents around the site are extremely unhappy.

I look forward to hearing my hon. Friend the Minister's response to some of the issues I have outlined, although I will completely understand if he is not able to deal with all the points I have raised. If that is the case, I would be happy with an exchange of correspondence or a meeting at an appropriate date to get to the bottom of these issues.

5.15 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): The easiest request for me to respond to that my hon. Friend the Member for Harrow East (Bob Blackman) made was for a meeting: at the outset, I will commit to having that meeting with him to discuss these important issues at more length.

I thank my hon. Friend for securing this debate. It is clear that there are several ongoing issues relating to the matters he has raised and that they have been causing

[Mr Marcus Jones]

considerable local concern. I give credit to the efforts he has made to follow-up on these matters and note his having previously mentioned his concerns in the House several times.

We have had a fantastic summer of sport and, indeed, football: England's women's team reached the semi-finals of the European championship; we are the FIFA under-20 and under-19 world champions; and the task of World cup qualification continues at some pace for all the home nations. It is therefore somewhat frustrating that we have first convened in the Chamber not to celebrate that success but to come down with a bump and discuss these long-running issues that surround the intersection of council, community and club.

At the heart of the matter is Barnet football club, which saw its 106-year residency at the Underhill ground in Barnet come to a close under a cloud of difficult relations with Barnet Council, particularly with respect to the access conditions on the freehold sale and the expansion potential within the borough. My hon. Friend spoke at length about the various interactions time between Barnet football club and Harrow Council since then, as well as the part played by Camden Council as the previous owner of the site.

It may help if I say a few words about the disposal of public assets. The Local Government Act 1972 that governs the disposal of assets that are owned by local authorities. It gives councils the power to dispose of land in any manner they wish, including by selling their freehold interest, granting a lease or assigning any unexpired term on a lease and granting easements. The only constraint is that a disposal must be for the best consideration reasonably obtainable, unless the Secretary of State consents to the disposal. The provisions of the 1972 Act should be followed when assets such as the topic of this debate are sold and any land in that sense is disposed of.

My hon. Friend can represent better than any of us the frustrations of local residents when he outlines the detail of the development at the Hive site both in terms of how their concerns have been considered and how planning policy has been enforced. Although I am not able to comment on the specific planning cases that have been mentioned, I would agree that, in terms of the approach to planning generally, consideration of, and engagement with, the wider community alongside the local development plan are an important part of the process.

Applications submitted to a planning authority must be determined in accordance with the local development plan for the area unless material considerations indicate otherwise. All planning applications must be considered on their own merits and subject to statutory periods of consultation to allow third parties to view and comment on them. My hon. Friend mentioned consultation a number of times during his comments.

All representations received during the period of consultation must be considered and taken into account in determining any application. That can include the views of local residents. However, local opposition or support will not necessarily result in the local planning authority refusing or granting planning permission; rather the decision maker will determine what weight to give to any material considerations.

Should any construction not abide by the planning permission obtained, the local planning authority has a wide range of discretionary enforcement powers to deal with unauthorised development, with strong penalties for non-compliance. Effective enforcement is extremely important in maintaining public confidence in the planning system.

Local planning authorities have responsibility for taking whatever enforcement action may be necessary, in the public interest, in their particular administrative areas. Other high-profile clubs are in the process of redeveloping, or proposing to redevelop, their grounds, building brand new state-of-the-art facilities or otherwise moving to pastures new. It is of course only natural that clubs will want to bring the live viewing experience to a larger fan base and to benefit from enhanced match day revenues.

There are also other potential benefits around modernisation of facilities and improved infrastructure, but the impact on existing residents in that area should be an important consideration. I am extremely pleased that my hon. Friend has raised this issue. It should be incumbent on any council in the future—especially in relation to future applications in relation to the subject matter this evening—that those factors are considered around the development of stadiums. We all know that, in addition to enhancing the experience for those people who support a particular football club, there are also the neighbours of that club. Some may well be fans of the club in question, although that is not always the case when a football club moves from one area to another. There are also many people who live by football stadiums who may not be fans. I suspect that, in the situation that my hon. Friend has raised, some of those people may have lived there long before the ownership of the ground changed and the subsequent developments took place.

As I understand it, the current home of Barnet Football Club, the Hive, has abided by all the conditions that the English Football League required of them, but that is not to say that a wholesale move of a club is not contentious. As a long-suffering supporter of Coventry City, I can attest to the fact that ground moves can be extremely contentious, and that certainly has been the case in this instance. Another example is when Wimbledon moved from Wimbledon to Milton Keynes when their ownership changed.

Some lessons have been learned from club relocations in the past, and football has put in place regulations to require planning, consultation and the justification of any plans to sever a club from its local community. The English Football League ratified Barnet's move to the new home at the Hive, and I understand that the team continues to abide by the conditions required by the Football League.

A football club cannot exist in a bubble, however. It is part of a wider community not just of fans but of neighbours. There have been significant steps recently to promote and protect not just football clubs and the places where they play but other assets with which a community might have some affinity. There would perhaps not have been the opportunity with the Underhill ground, but it might have been possible in the case of Barnet's current home to register the assets as of community value. That process emanated from the

Localism Act 2011, and the community might have had more of an opportunity had those assets been registered when they were disposed of.

Through the work of the Government's expert working group on football supporter ownership and engagement, members of the English Football League have also codified a minimum level of fan engagement that clubs must undertake. This has been in place since 2016-17 and brought a baseline standard of expectation for off-pitch success, but largely targets the engaged communities and supporters clubs. My fellow Ministers in DCMS and I in DCLG are happy to keep the broad issue of football clubs as part of their communities under consideration as we have discussed tonight. That is a conversation that we are willing to have with the relevant football authorities.

I welcome the debate and am more than willing to discuss these matters further. I am sure that my hon. Friend will understand as regards the planning aspects and the sale of the ground that I cannot discuss the specifics of particular cases, but there are clearly procedures that need to be followed in both areas. If he wants to discuss these requirements, I am more than happy to do so.

Bob Blackman: I thank the Minister for his answers and I understand if he cannot answer this tonight, but will he confirm that the Secretary of State has not given approval for the sale of this asset outside the general rules that apply to the sale of public assets?

Mr Jones: As my hon. Friend knows, in this debate I have covered the requirements for assets that are sold for which the best consideration is not obtained. In this sense, I asked my officials whether any application was made to the Secretary of State in this case and I was informed this afternoon that no such application was made.

On that note, I shall bring my comments to a conclusion and I look forward to meeting my hon. Friend on this matter at a later date.

Question put and agreed to.

5.29 pm

House adjourned.

Westminster Hall

Thursday 7 September 2017

[MR PETER BONE *in the Chair*]

BBC Transparency

1.30 pm

Mr Gregory Campbell (East Londonderry) (DUP): I beg to move,

That this House has considered the transparency of the BBC.

It is a pleasure to serve under your chairmanship once again, Mr Bone. I am grateful for this opportunity to highlight my concerns about the lack of transparency in the BBC's use of public money in Northern Ireland and, I am sure, more widely. I secured a debate on the subject on a previous occasion but had to withdraw it for a variety of reasons. My concerns are not unique to Northern Ireland, but my speech will focus on BBC NI.

The BBC's mission is

"to inform, educate and entertain audiences with programmes and services of high quality, originality and value."

It used to be considered a reliable source of news and informative programming. It was the broadcaster to go to in times of crisis or turmoil—the dependable, publicly funded broadcaster. I am sorry to inform the House that as a result of events over the last few years, the BBC's standing has been diminished.

Correspondence from MPs frequently goes totally unanswered or is met with a reply that avoids the issues. Questions about the use of public money are ignored or have a veil of secrecy pulled over them. I have concluded that the BBC fat cats in Belfast are either incredibly arrogant or incredibly shift. What they are not is open and transparent. I have written to the BBC, but have had to come to this Chamber to raise these serious issues. I use the term "fat cats" because some of the best people in the BBC are the lowest-paid: the foot soldier producers and editors who work long shifts and arrange all the programmes.

I have long argued for maximum transparency from the BBC. I have several concerns. The first relates to pay transparency. The BBC nationally has long resisted the public demand for pay transparency, but it eventually agreed to publish the salaries of 96 stars, as they are called. Their combined salaries were almost £30 million. The public are now somewhat better informed about how their money has been used; we now know that the BBC believes that men should get more money than women for doing the same task. There was an outrageous gender pay disparity. It took a decade for the BBC to be dragged to the point of publishing all salaries of more than £150,000 per year.

In recent months, the BBC has indicated that more staff will be moved off the direct payroll and will therefore not feature in any published list next year, even though they are paid in excess of the £150,000 benchmark. So much for greater transparency. Whether that is motivated by the desire to reduce BBC staff's personal tax liabilities, to avoid public scrutiny, or both, it is a shameful insight into the BBC top brass's complete disregard for transparency.

An outrageous double standard is at play. While BBC presenters question elected representatives and others paid by the public purse about their salary and office costs, they hide behind a veil of secrecy about their own publicly funded annual salaries of £200,000, £300,000, £400,000 or more. I am glad that the salaries, overheads and so on of those in this Parliament are accessible to the taxpayer for scrutiny; that is how it should be. Why should the public money funding the BBC be treated any differently? I do not agree with BBC staff avoiding tax by channelling money through obscure personal service companies. This House should consider the ethics of that practice with respect to public money.

My second concern about transparency relates to complaints. A constituent of mine made a very simple freedom of information request:

"I request the number of complaints recorded against matters carried by BBC Northern Ireland for the following outlets: BBC Good Morning Ulster, BBC Nolan (radio), BBC Nolan Live (TV), BBC TalkBack, BBC Evening Extra, BBC Newline, BBC NI website". That was not an unreasonable request. How many complaints have been launched? My constituent received the following reply:

"The information that you have requested is excluded from the Act because it is held for the purposes of 'journalism, art or literature.' The BBC is therefore not obliged to provide this information to you and will not be doing so on this occasion."

So much for transparency. That reply was sent by Mr Mark Adair, BBC Northern Ireland's head of corporate and community affairs. He told my constituent that he holds the information but needs it

"for the purposes of 'journalism, art or literature.'"

That is clearly nonsense. Why would a publicly funded media organisation not be prepared to make public the number of complaints about its programmes from members of the public?

My third concern relates to the commissioning of programmes. Across the UK—though I will deal with Northern Ireland—the BBC commissions independent companies to produce programmes. However, independent production companies, editing companies and camera and lighting specialists are concerned that they are not getting a fair deal. I have heard stories of slow or reduced payments and a culture of fear. Those stories are fresh in my mind, because I heard them at first hand from those affected when I began to probe the commissioning process.

I wanted to establish what auditing mechanism exists for programmes, both when the contract is awarded and after the finished product has been delivered and broadcast. I also wanted to know how the BBC, as the main contractor, could be sure that subcontractors such as camera operators, lighting operators and editors were paid for their work under the contract. I asked some simple questions of Susan Lovell, the head of multi-platform commissioning for BBC Northern Ireland. I have yet to receive satisfactory answers to those 18 numbered questions, but I was offered a private briefing. The links in her response were so numerous that my printer ran out of ink and paper before I could print them all. The briefing is a nice offer, and I am sure I will take it up, but I would prefer answers.

On Tuesday I emailed Susan Lovell again, knowing that this debate had been tabled. I made my email even more succinct. I asked three straight questions:

"1. When programmes are commissioned and public money granted, how is the use of this money audited?"

[Mr Gregory Campbell]

2. Is an external auditor employed to ensure this public money is appropriated in an ethical manner?

3. If a Commission is granted, can the contracted production company then seek additional monies for travel and other unforeseen production costs?"

Setting aside the fact that I am an MP, I would have assumed as a viewer that that was a perfectly reasonable set of queries.

I received a reply yesterday. It is funny how quickly minds can be exercised when a debate is about to be held; it takes weeks and months otherwise. The reply said:

"Expenditure profiles are a routine feature of programme proposals and allow us to make an informed assessment".

I always get fearful when I hear answers from large companies that talk about informed assessments, but this was an informed assessment of

"value for money; and we routinely audit our work and output against a range of metrics."

The key words there are "we routinely audit"; one of my questions was whether an external auditor was employed—I think I have got an answer to that question, even if indirectly. When a programme is commissioned, delivered and broadcast, invoices relating to that contract should then be published online. That happens in many other areas of public service.

I turn to a specific example. In October 2014, a BBC Northern Ireland series, entitled "Story of a Lifetime", was broadcast. According to the credits, it was produced for BBC NI by a company called Third Street Studios. However, according to Companies House,

"Third Street Studios was incorporated on 2 December 2014, after the series was delivered".

Almost one year ago, I cited this example and asked the BBC some questions:

"1. To whom and when did BBC NI award the contract for the 2014 series 'Story of a Lifetime'?"

2. What address did BBC NI use to communicate the commission to 'Third Street Studios'?"

3. Did BBC NI check if 'Third Street Studios' was incorporated before the programme was commissioned?"

To date, neither the company involved nor the BBC have been able to tell me where the Third Street Studios office is, how much the contract was for and to whom the contract was awarded.

I understand that a director of Third Street Studios is a BBC presenter. Indeed, according to the map on the Third Street Studios website, its office is at Belfast city hall. The "about us" section of the website declares:

"We pride ourselves in understanding mass market television. We don't do 'niche'. We do 'massive'".

This production company is so massive that I cannot find its office in Belfast. In fact, when I went online, according to the Google map provided, the company's location is fairly prestigious: in front of Belfast city hall—at a taxi rank. Again, we have some questions that need answering.

When I emailed the company and its director, he said:

"I don't think that it would be helpful, or appropriate"

to answer my questions. For clarity, I asked about the procurement process, the contract value, the date the contract was awarded and the tendering process for

appointing subcontractors. Remember, this is about a series that has already been broadcast on BBC television. The company director said that

"my work...could only properly be understood if equivalent information about all other production companies and their contracts with the BBC were to be placed in the public domain." So "I'll go if you get everyone else to go"—that is effectively what he was saying.

That is further evidence of straightforward and simple questions being ignored. We need full transparency in BBC commissioning, and we need evidence that BBC commission contracts are externally audited.

Rebecca Pow (Taunton Deane) (Con): My hon. Friend is making a very sound case about the BBC, but does he agree that it was this Government who called for increased transparency—maybe not in the areas that he is covering, but certainly on pay rates? They have actually unlocked many of the things that we will debate today, so this Government are definitely holding the BBC to account. Perhaps they should do more, but they are definitely working in this area.

Mr Campbell: I thank my hon. Friend for that intervention, and I agree with her: the campaign over the past years to get further transparency is a work in progress, and we are much more advanced than we were 10 or 12 years ago. However, as I am outlining, there is much more work to do.

The fourth area that I want to cover is BBC accuracy and honesty. The BBC prides itself on posing questions, and all of us here are subject to those questions, but it is not very good at providing answers. In two instances during the past year, there have been very serious questions for the corporation in Northern Ireland to answer.

A green energy scheme with an initial potential overspend of public money is currently subject to a public inquiry; I do not intend to trespass on issues that are best dealt with in that inquiry. However, the Executive in Northern Ireland were collapsed by Sinn Féin under the pretext of what they claimed was the mishandling of that scheme. Early this year, a BBC Radio Ulster programme carried this topic for 56 consecutive days. The presenter of that programme, who just happens to be the director of Third Street Studios, used inaccurate and outrageous commentary. I will briefly give two quotes. He said:

"One of the biggest financial scandals to have ever happened in Northern Ireland: under the government's watch, £400million of your money has been allowed to go up in smoke".

He also said:

"What it means is that hundreds of millions of pounds of your money cannot go into schools, education, other departments in our country because the money has been squandered, the money has been wasted."

This situation continued for a prolonged period until I appeared on the programme and confronted this deliberate misrepresentation. As the scheme had only just begun and was scheduled to last for 20 years, I asked why the presenter kept saying that the public's money had been "wasted" and gone "up in smoke". Only after my appearance, which was accompanied by strong letters of protest from my party to the BBC hierarchy, was the use of this reprehensible language stopped.

Christian Matheson (City of Chester) (Lab): The hon. Gentleman is making a surprisingly compelling argument, but did not the scandal that he is referring to

bring down the Northern Ireland Government? As such, was it not entirely newsworthy for 56 days—or more?

Mr Campbell: I have no objection whatsoever to any media organisation concentrating on events, particularly events of such import, but when it scandalously misrepresents things, as those comments and the comments of others did, and then the comments are changed after I and others confront the presenter about his misrepresentation, it proves that the BBC knows that it overstepped the mark in its initial comments. Nevertheless, I take the hon. Gentleman's point. I have no quibble or argument with the BBC deliberating at length on the subject, but the issue was compounded by the presenter's gross misrepresentation of the facts.

A substantial complaint about those inaccuracies was lodged with the BBC, and that is ongoing; the BBC has not yet comprehensively responded to the complaints, which are from eight months ago. The complaints process is obviously laborious and bureaucratic; for those who have not yet embarked on it, I can attest to that.

I will give another, very insidious example. "Spotlight" is an investigative programme in Northern Ireland that has won awards through the years. In October last year, BBC NI television broadcast an edition looking at people who had been victims of alleged shooting by police officers in the early stages of the troubles. It was critical of the police, and both serving and former officers were concerned about the one-sided picture that it portrayed.

Shortly after the broadcast, I was contacted by someone who informed me that the reporter who had conducted the interviews and carried out the broadcast on the BBC had been a serving police officer, so I wrote to the reporter in the following terms:

"I write to confirm some details regarding a recent BBC Spotlight programme. I would be grateful if you could answer the following questions.

1. Have you ever served as a police officer in Northern Ireland? If yes, please outline the circumstances that led to you leaving the police?"

2. Have you ever been known by any other name than—"

And I named her. I continued: "If so, what?" My understanding was that she had married and that her surname had changed since the programme was broadcast. I continued:

"3. As the presenter of an investigative programme which was critical of the police, do you believe that you had a conflict of interest?"

4. Did BBC NI ask you to complete the declaration of interest prior to this programme?"

5. How much public money was paid to you for your services in that programme?"

The sixth question was the most critical:

"Does the below BBC News story from 10 years previously relate to you?"

That news story was about a serving police officer who was in court and faced a charge—not a terrorist charge. In his concluding remarks, the judge said to that police officer that she should have known better than to give her sister's name instead of her name. He bound her over to be of good behaviour for a year on her own bond of £500, and warned her that she could forfeit some or all of that money if she breached the order. I am informed that the person who was in court subsequently left the police, joined the BBC and did a programme

that was critical of the police. No explanation has been given as to why it is critical, or why that reporter did what she did. Did she state on a declaration of interest that she was a former police officer? Did the BBC know that and then allow her to do a programme that was critical of the police?

I leave you to guesstimate, Mr Bone, what would happen in the public arena if it was discovered, after I or anyone else in this House raised an issue, that we had an interest in it that we did not declare. That is why we, and the BBC, have declarations of interest.

I did not receive an answer to any of those questions. I did not even receive an acknowledgment. I submitted a request for this debate in March, but it did not go ahead at that stage. I asked the same questions, but did not receive a response then either.

Strange to say, this week, after I had applied for the debate a third time, I received a reply from the aforementioned Mr Mark Adair, who said:

"We have been made aware of your emails to a named BBC journalist".

Nine months after I began this process, and 24 hours before a debate, I receive a response saying that the BBC has become "aware" of my emails! The reply continued: "the BBC has robust arrangements in place to avoid any potential conflicts of interest...we would be grateful if you direct any future correspondence about BBC staff and/or policy to me or to our Directors Office."

That avoided the question again.

The fifth and final area I wish to cover is declarations of interest. In Parliament, MPs, Ministers and civil servants are very aware of the need to declare interests and, as I said, the BBC also has a process for its journalists to declare any interests. When a constituent, using freedom of information powers, asked to see the declarations of interests of some BBC presenters and senior staff, the reply said:

"All staff are required to complete a Declaration of Personal Interests upon joining the BBC".

That is good as far as it goes, but it went on to say:

"We will not be disclosing...because the information that you have requested is excluded from the Act because it is held for the purposes of"—

guess what?—

"journalism, art or literature."

That seems to cover everything. When someone does not want to answer questions, they use the cloak of "journalism, art or literature".

Emma Little Pengelly (Belfast South) (DUP): Many people have contacted my hon. Friend and me with concerns about so-called news programmes. The issue is that programmes often now straddle news and entertainment. Many members of the public have contacted me with the concern that a narrative and agenda is set, and then programmes set about getting participants who support that narrative, which is emphasised with key messages throughout the programmes. My hon. Friend makes a particularly important point about declarations of interests, because unless the public know what those interests are, we cannot scrutinise properly whether a public service broadcaster is carrying out its public duties appropriately—regardless of whether the producers are contracted in or not—being fair and balanced, and presenting the facts and all perspectives so that the public have the best opportunity to come to their own conclusions on these important matters.

Mr Campbell: I thank my hon. Friend for that intervention. She is right, and we have noticed that the BBC—particularly in the last three or four years, for some reason—has become much more sensationalist.

I ask a straightforward question, which most people—even the BBC—should be able to answer: what is the point of having a declaration of interests, if no one knows what is in it? What is the point of that? Why would the BBC do that? Why would it ask people to declare any interests, but if anyone wants to find out whether somebody making a programme has an interest, say: “We’re not going to tell you, under”—the great catch-all—“the auspices of journalism, art or literature”? It is an entirely reasonable request that all BBC presenters’ declarations of interests be published.

I do not expect the Minister to be able to respond definitively today to every avenue that I have taken the debate down, but these matters need to be aired, so that the hierarchy in the BBC, the Department for Digital, Culture, Media and Sport and the Minister are aware of what has happened and the lengths to which some of us have gone to try to get answers to straightforward questions. The bottom line here is that the BBC needs to radically alter the way it carries out its business—using our money. That is the point: it is using public money. Its procedures need overhauling, its lack of transparency is appalling, and the case for change was never more apparent.

Mr Peter Bone (in the Chair): It might be helpful for Members to know that I think five Back-Bench Members who wish to speak. I do not intend to impose a time limit, but the wind-ups will have to start at 2.30 pm.

1.56 pm

Mims Davies (Eastleigh) (Con): It is a pleasure to serve under your chairmanship, Mr Bone. I congratulate the hon. Member for East Londonderry (Mr Campbell) on securing this important debate.

First, I welcome the fact that the BBC has this week announced an equal pay review. As chair of the all-party parliamentary group for women in Parliament, and as a former member of the Women and Equalities Committee, I am profoundly passionate about ensuring that women are properly recognised for their abilities. I was therefore deeply disappointed that the BBC felt it appropriate to have such a large pay gap between its male and female employees, and frankly that it took them so long to notice it—we do have equal pay legislation.

I was, for a short time, the very proud owner of a BBC pass. I must put on record how much I enjoyed my time working in BBC local radio and how hardworking and committed all my colleagues were and, in the case of some of them, still are, particularly across local radio. It really was a wonderful time in my career. The hon. Member for East Londonderry mentioned the value of BBC employees and I was one of those foot soldiers—early starts, late hours, juggling work around young children, diverse and difficult shifts. We should remember that that is the backbone of the BBC and its staff. We hear about the fat cats, but there are a lot of people making sure that the BBC is true to its core values. I was honoured to work for this revered organisation.

One of the issues that I became aware of in my brief time at the BBC was how the diverse and wide-ranging nature of the broadcaster makes it difficult to know

what the left hand and right hand are doing. In Government, I think we can all recognise that sometimes that is difficult, but there is a growing perception of a lack of transparency. That transparency is undermined by the way the organisation has grown and, in some ways, has had to reflect the internet and our changing media consumption and frankly, as we heard, fake news. The BBC, as we well know, has its challenges.

Let us turn to top talent; I do not think I could put myself in that category, but I always hoped someone would say that. Having previously worked in the broader media industry, I fully understand the importance for any broadcaster of attracting and retaining the very best talent—in particular, the pressure on the BBC—and pay packets should be able to reflect that. However, although I am an avid supporter of many of our media outlets, including the BBC, I am also aware that many talented women at the top of the industry are regrettably not properly recognised or rewarded by that institution. I trust that, through this process, that is going to change. In the broader industry, too many continue to work for free or for peanuts in the hope of a big break and of being the next big thing. We have to challenge our notions of how we get people into the media industry, what we expect of them and how we retain them.

Most surprisingly in this day and age, there is a huge disparity between the pay of men and women at the BBC, which has finally been highlighted by the senior leadership. We now have the chance to correct that, but one has to ask whether the BBC would have uncovered that scandal if it had not been for the Government’s transparency drive and the agreement reached through the BBC charter process. I am delighted that my party and the Government are not shirking the challenges ahead.

As I said earlier, I was delighted to sit on the Women and Equalities Committee; I would like the BBC to ensure that the review looks at diversity more widely, not just equal pay. DCMS is looking to do that across the media sector. We must also look at the support we give to older women in the industry. Channel 4 and other broadcasters have done incredible work on diversity, but can the BBC really look itself in the eye and say that it has stepped up on that issue across the board? This is the chance for it to do that.

For too long, even our most talented public figures have been deemed to have a sell-by date. However—let us be honest—that could not be further from the truth when it comes to the BBC’s Mary Berry. She is a prime example of the amazing talent—not least her cooking—that the BBC has at its disposal. I hope this is an opportunity to look at women with equal levels of talent. I have been listening to and admiring women broadcasters—they are broadcasters; the fact that they happen to be women is irrelevant—from afar on the radio. Gender has no relevance to how we remunerate people. We all admire Jane Garvey from afar, and she should be remunerated accordingly.

It is also important that older women in regional positions have a chance to shine. I worked in regional radio, and some people have committed a lifetime to it. We should recognise those people and support them through our national broadcaster. We should use the talent within the BBC to bring them to a wider audience. I have seen some progress. Some time ago, I worked with a wonderful mature lady who is now training as a

continuity announcer. That gives me hope, because for broadcasters the fear of wrinkles and the looming feeling of being past it is scary. When I worked in the media industry, I was getting quite old for local radio, but here I am the youngest—well, not really, but in comparison. [*Laughter.*] I was an ageing commercial radio presenter, but I am a very young MP—how has that happened?

Once again, I congratulate the Government on the transparency drive that they introduced through the BBC charter process, which led to the BBC's recognising and acting on the unjustifiable inequality at its heart. I believe that colleagues will agree that, if the BBC does that, it will continue to be a truly great British institution. We all have our failings, and the BBC must step up to address its. I will continue to be there to support it through that process. If it does that, it will continue to be in the hearts of the public across the land. What work are the Government carrying out to ensure that even greater transparency across the BBC and the whole of the media industry? Specifically, how can this debate and the Department's work encourage the retention and promotion of older women across the media industry and promote a broader diversity agenda?

2.4 pm

John Grogan (Keighley) (Lab): I am delighted to take part in this debate. In fact, given my majority of 249, I am delighted to be anywhere. It is a great pleasure to follow the very passionate and informative contribution of the hon. Member for Eastleigh (Mims Davies). I want to talk about three issues relating to the transparency of the BBC: the transparency of the regulation of the BBC, its finances and Northern Ireland.

The transparency of the regulator is absolutely important. Parliament and the Government took a really big step when they set up an independent regulator of the BBC—Ofcom. I was surprised over the summer to see that the Secretary of State had written to the regulator to say that she is rather in favour of more quotas for TV and radio content. A DCMS spokesman or spokeswoman said that a number of stakeholders had made representations—I do not know whether that was at Wimbledon or some other event over the summer. Perhaps the permanent secretary was away when that letter was sent, because that seems bad practice. The regulation of the BBC has just become independent in its totality, and we must have confidence in it. I hope the Government will exercise more restraint and will respect the regulator's independence in the future, now that we have set that up.

On the issue of the BBC's finances, pay gaps and so on, I welcome the fact that the BBC publishes an extensive annual report. It is now subject to the National Audit Office in its entirety, and there are many value for money surveys. The BBC is absolutely right to recognise that it has to press down on top pay—whether executive pay or talent pay. My scrutiny of the BBC's accounts leads me to think that pay for the top talent is down by about 10% over the past year, and for the very top talent it is down by about 40%. Clearly, the revelations over the past few months have shown a completely indefensible gap between the pay of men and women.

Incidentally, which other broadcaster in the world would lead day after day on that issue, as the BBC did? There are only so many "Today" programmes about

Jeremy Vine's pay that someone can wake up to and take an interest in, but the BBC did that day after day. I do not think News International would focus on the pay of Sky presenters in quite the same way.

Christian Matheson: Or its owners.

John Grogan: Or its owners.

It is now the responsibility of Tony Hall, who said—he will be held to this—that by 2020, which is not very far away, the pay gap has to go. That is on screen and off, as I understand it.

Bambos Charalambous (Enfield, Southgate) (Lab): Is my hon. Friend aware that the BBC pay gap is 10%, but nationally it is 18%? The BBC has commissioned an audit of pay to resolve issues relating to pay. It has offered to deal with any issues that arise in the long term.

John Grogan: No, I was not aware of that. My hon. Friend has informed and educated me with that contribution.

In bearing down on top talent pay, the BBC has got to be aware of its own strengths. I take a great interest in sports rights. I think the BBC has got better at dealing with rights holders and saying, "We'll give you lots of exposure, even if we can't pay you as much." It is the same with top talent. Gary Lineker, for example, gets an awful lot of money—perhaps a little too much money—and an awful lot of exposure. He is a cultural icon—a national treasure, some people would say. Compare him with poor old Jake Humphrey, who was on the BBC and has now disappeared to BT Sport. His Wikipedia entry says he was best known for presenting Formula 1 on the BBC seven or eight years ago. The point is that top BBC presenters get a lot of offers to host events, endorse products and so on, and the BBC must take that into account when negotiating top talent.

I just want to make a couple of other points under the general heading of finance. We have to recognise that BBC Studios has now been asked to compete for every TV programme. The whole of BBC output is open to competition, so BBC Studios will be just like lots of its commercial competitors in trying to get slots on BBC television. It should be subject to exactly the same rules as its commercial competitors. I hope that it retains an awful lot of the output, because if the BBC is to continue its training function for the industry and its creativity, it needs a big in-house broadcast capacity.

My last point about BBC finances is that I hope Tony Hall and the other BBC management will look closely—as the hon. Member for Eastleigh mentioned—at giving commitments to some of the foot soldiers in broadcasting about setting targets for bringing up pay at the bottom, as well as bringing down pay at the top. It is a sign of the times that the people at the bottom need to be considered—that is the zeitgeist among the political parties across the House.

I am obviously not as knowledgeable as the hon. Member for East Londonderry (Mr Campbell) about BBC Northern Ireland. In fact, I like to sit behind the Democratic Unionist party in the main Chamber, because that is where the power really lies in this Parliament, and I like to know what is going on. I did once sit on the Select Committee on Northern Ireland Affairs, but I do not have the hon. Gentleman's level of expertise. I have

[John Grogan]

noticed all sorts of rows about BBC impartiality, including in Yorkshire. Last year I think he or one of his hon. Friends advocated the case for Carl Frampton, the Northern Ireland boxer who was excluded from the sports personality of the year shortlist. I feel the same about Joe Root, the great Yorkshire cricketer: that he should one day be BBC sports personality of the year—we all have such concerns.

Seriously, however—I will end on this—we should recognise that BBC Northern Ireland journalists have had a very difficult wicket over 30 or 40 years. They came under a lot of pressure during the time of the troubles, from Government, terrorists on occasion, political parties and so on, but they still produced—as I think they do now—high-quality journalism to inform the people not only of Northern Ireland, but of the wider United Kingdom and of the world beyond.

To conclude, it is very fashionable to decry the mainstream media, but I agree with the hon. Member for Eastleigh that the BBC is a cultural institution to be proud of: it inspires many people to take an interest in things that they would never otherwise know about; and it unites the nation and gives access to information in ways that would not otherwise happen. I have limited personal ambitions in this Parliament, but if it lasts for five years, we will then have reached 2022 and the centenary of the BBC, which should be a proud day for every Member of this House.

2.12 pm

Rebecca Pow (Taunton Deane) (Con): I am delighted to follow the hon. Member for Keighley (John Grogan), with his passionate speech, and I thank the hon. Member for East Londonderry (Mr Campbell) for bringing this subject to the Chamber.

The BBC, as almost everyone would agree, is a unique and much-loved organisation, revered for so many programmes, such as news, gardening—I do not know whether that is sad—and, in particular, “The Archers”. I simply could not live without “The Archers” and, sometimes, I catch the same episode three times a week, because I hear the programme in the evening, again at lunchtime and then on the Sunday catch-up. That is how sad I am, but I love it.

The BBC, however, has to be held to account and to the highest standards because of the unique way in which it is funded, and we must do something when it is found wanting, so I am delighted that this Government are insisting on high standards, including of transparency and high quality. Part of reporting and programming is what the public expect and what they deserve. Clearly, the Government’s new insistence is giving the BBC a bit of a shake-up, which I think we would all agree is a good thing. The BBC charter implemented at the start of this year goes further than ever before in promoting fairness and transparency, and in ensuring the value for money that we deserve.

I wanted to touch on one of the points made by the hon. Member for East Londonderry on the commissioning of programmes. I had a crack at getting commissioned when I ran a production company. Frankly, I gave up. I wasted so much time going to the constant round of briefings on what the BBC wanted, might like or did not

want—mostly what it did not want was the kind of thing I wanted to make—and logging in online. It all took up so much time that I gave up and devoted my money-making activities to other areas of the media, and many other independent companies did likewise.

Indeed, many I met when on the round of consultations and briefings turned out to be no more than hobby producers: they said they could not earn enough money simply from commissions to make life viable. I do not know if there is any way to address that, unless it is through more bidding for programmes—so perhaps it will be addressed now—but it is certainly something I noticed. I would like to think that the BBC charter and the Government will hold the BBC to account for such things, if we are to get more people into this very important creative industry.

Giles Watling (Clacton) (Con): My hon. Friend made a point about one thing that is close to my heart and that we have to be careful about. I agree, totally, that we have to look at the BBC, but we must preserve its independence. That is what everyone appreciates about the BBC, so we have to be very careful when we bring the might of Government to bear, although I am pleased that we are getting involved. As the hon. Member for East Londonderry (Mr Campbell) rightly said, programme makers sometimes come along with a narrative, and we very much noticed that in Jaywick in my constituency. The Channel 4 team—not the BBC—arrived with a preconceived idea of what they wanted to shoot. They wanted me to get involved in the programme, but they shot not what was there on the ground but only what reflected their preconceived narrative. The programme makers—

Mr Peter Bone (in the Chair): Order. I am sorry to interrupt the hon. Gentleman, but we are pressed for time. I was pulled up for this when I first started; interventions have to be short, especially when we have such strict time limits. I am sorry.

Rebecca Pow: Only this week I have faced the issue of preconceived ideas; I will mention this example. I launched my new environmental pamphlet from the Conservative Environment Network, which I thought would make an interesting and wide story. I encouraged my local BBC people to come to the launch, but they rang up to ask, “Will this be Rebecca Pow saying that the Government do not do enough for the environment?” That is what they wanted their headline to be—they had not even read what the pamphlet was about. I said, “Absolutely 100% not; it is the opposite of that”, so they did not come. That was a preconceived idea, but had they come, they would have discovered an interesting groundswell of an idea going on, which would have made a good and informative story for the public.

Kevin Brennan (Cardiff West) (Lab): Will the hon. Lady give way?

Rebecca Pow: I will give way—as long as the hon. Gentleman is brief, Mr Bone.

Kevin Brennan: That is a matter for the Chair. Is there not some difficulty with what the hon. Lady is saying? She is putting the emphasis on the Government holding the BBC to account, but by doing so is she not undermining the proper role of Parliament and its Select Committee?

Indeed, the Chair of the Select Committee on Culture, Media and Sport is the hon. Member for Folkestone and Hythe (Damian Collins), her hon. Friend, and that is his job, not that of Government.

Rebecca Pow: All I will say is that public money is funding the BBC, so we need to ensure that it is run in an effective way, with value for money and transparency, so that we get what the BBC was set up for in the first place.

I will move on and focus on the pay discrepancies that have been revealed, which have received a lot of media attention, and to which my hon. Friend the Member for Eastleigh (Mims Davies) referred. I am pleased that they are being highlighted in the debate. It is right that the BBC has taken action, but the proof will be in the pudding. I am pleased that the assessment and consultation on the issue have been launched this week, although it has got to be said that across the whole of the BBC there is a good balance of male and female—52% men and 48% women, which is pretty good compared with lots of other organisations.

Many years ago, I remember going to produce and present “Farming Today” on Radio 4, and I was only the second ever woman to do so. I will not tell the Chamber how long ago it was, because people might work out how old I am—

Kevin Brennan: I thought this was about transparency.

Rebecca Pow: I will not respond to that. Now “Farming Today” has an all-female team—what a turnaround that is. When I went to the programme, farming and all that were considered very much part of a male world, so I applaud the BBC for a good thing.

Let us not be completely hijacked by the gender pay gap among those at the top of the BBC. I think most of us would agree that the high-profile women at the top actually are pretty well paid. It is wrong and scandalous that, on the whole, the men receive more, but in truth those women are quite fortunate. Let us not forget the many women all over the country whose unequal pay deserves just as much attention, as my hon. Friend the Member for Eastleigh mentioned. I commend the Government, who are doing more than ever to sort this out and make sure that we even up pay, which is still not equal enough across the board. That goes to the heart of the issue of publicly funded bodies. For example, in 2016, only 20% of permanent secretaries in the civil service were women. Perhaps we should look at the issue in a much wider context. We are holding the BBC to account; surely the same standards must be applied across the public sector.

I want to return, just for a minute, to the BBC and the gender pay gap. I venture to suggest—I mentioned this to the Minister earlier in the week—that all the attention on women and the gender pay gap has slightly clouded how much these high-profile presenters are paid overall, which I know many members of the public are questioning. Some are paid huge sums, and some people on the list do not put in that many hours for their pay. I will not name them, but one or two really make the blood boil. Some work very hard for their money, but the way the money is spread seems completely unequal.

The total budget for all BBC local radio stations—the hon. Member for East Londonderry raised this subject—is £152 million. That is not a huge sum of money for the

phenomenal work they do and what we get back. That needs to be looked at, too. Some people at those stations—particularly the presenters who get up every morning to do breakfast shows—really are not paid very much. I have BBC Somerset right on my patch and I am a great fan; the people there work very hard. Obviously, they always try to hold me to account and catch me out, but that is their job. We get very good value from that. Local radio stations are constantly having to tighten their belts. That needs to be considered as well, because they provide an excellent service.

In conclusion, it remains for the BBC to address the problems we have highlighted, and the public expect that. I reiterate that I am pleased that the BBC announced its review this week. Let us not forget that the Government unleashed all this debate; they must be praised for that. I would like assurances from the Minister that the Government will still hold the BBC’s feet to the fire, because we expect fairness, equality and transparency, but above all good service and value for money for the taxpayer.

2.23 pm

Patricia Gibson (North Ayrshire and Arran) (SNP): I thank the hon. Member for East Londonderry (Mr Campbell) for initiating this debate.

Much has been said about transparency. It is astonishing that the BBC got away with—I use that term advisedly—not publishing the salaries that it pays to its highest-paid stars. As we have heard, even the salaries that are published are not the full and true picture, as many salaries are paid via production companies. Quite understandably, the public see that as a deliberate way of avoiding full transparency, and it is simply not good enough. Indeed, some people have said how suspicious it is that the BBC chose to publish those salaries at the point of a parliamentary recess to try, again, to avoid scrutiny and questions on the Floor of the House.

Surely the BBC—that liberal, trusted organisation—would not go to such lengths to avoid scrutiny. Surely that organisation can explain why it pays its male stars significantly more than its female stars. We are all waiting to hear why. Some people would say that the BBC could well explain those matters, but I contend that there is a crisis of public confidence in the BBC.

The problem is that people must pay the licence fee regardless of whether they view BBC programmes at all; there is no opt-out. That on its own should breed humility and respect for the licence fee payer, but for too many people it has instead bred arrogance and complacency—the same arrogance and complacency, many would argue, that allowed Jimmy Savile to stalk the BBC corridors uninterrupted despite the numerous complaints and opportunities to stop that serial abuser. A report that the BBC itself commissioned found that it actively shielded Savile, if not facilitated his abuse. Sadly, the organisation was also guilty of pulling a report that was to be broadcast on “Newsnight”, even though it knew all about Savile’s activities and the allegations against him. Journalist Meirion Jones alleges that he and the late journalist Liz MacKean were told that they would

“never work for the BBC again”

if they co-operated with a “Panorama” investigation into the scandal, and he says that lots of efforts were made to block the “Panorama” programme, “What the BBC knew”.

[Patricia Gibson]

The BBC is supposed to report independently, without fear or favour, but in the light of what I have just said, does it really sound like it does? Many people in Scotland are of the view that the BBC's political coverage is significantly partisan. The BBC has repeatedly denied that, as we would expect, but it does not really matter whether it is true; what matters is that the people who pay the licence fee believe it to be true. That means that there is a problem. Even the newly appointed director of BBC Scotland, Donalda MacKinnon, has conceded that that perception exists, but without a detailed plan for rebuilding trust, I do not know what the way forward is for BBC Scotland's political coverage.

There is no doubt that there is a deficit of trust in the BBC, which is seen across the United Kingdom as being resentful of public scrutiny, secretive, politically partial and complacent. The trust that has been lost absolutely has to be rebuilt. I suggest to the Minister that one way forward is for more of the licence fee money that is collected in Scotland to be spent in Scotland. Indeed, even Ofcom has said that that should be the case. Additional funding for delivering quality TV and radio output in Scotland would support the growth of our creative industries and be a real step forward. For every £100 million of production in Scotland, around 1,500 jobs are supported and £60 million is generated in the Scottish economy. That is quite significant. The BBC really has a job of work to build trust with people, and spending in Scotland more of the licence fee money that is collected in Scotland would be one way forward.

The BBC has a lot of sins in its past and there are a lot of things that it has to work through, but the future is not yet written; it can be different. It can be better, and the BBC can make it better. The BBC is a public service, and the public want a more transparent service.

Mr Peter Bone (in the Chair): I will call Justin Madders, who has been waiting patiently, in a moment. In view of the time, I want to let the Front Benchers know that the wind-up speeches will probably now start no later than 2.34 pm.

2.28 pm

Justin Madders (Ellesmere Port and Neston) (Lab): Thank you, Mr Bone. I will endeavour to stick to your timetable. It is a pleasure to serve under your chairmanship.

The BBC is one of those institutions for which there is widespread affection and support across the country, and it is highly respected worldwide. As a public service broadcaster, it plays an important role in our country. As our society has changed and moved with the times, so has the BBC—certainly in terms of its output. But we are not here to discuss its output, much of which is of course a matter of personal taste, although I must say that I consider its political content far too London-centric. What we are here to consider, though, is transparency. As we have moved to a less deferential and more open society, I believe the BBC also needs to move with the times. It should be more representative of and more accountable to the taxpayers who fund it, regardless of how much or little they use its service. With that in mind, a couple of specific areas need further examination.

The first, which has been touched on today and has been the subject of much media scrutiny in recent weeks, is the pay of top talent at the BBC, which revealed a huge gender disparity. What was also of interest to me, particularly in my capacity as chair of the all-party group on social mobility, was the background of those BBC top earners. The data released by the BBC on its top earners have been analysed, and for those in that category who are on screen, it is estimated that 45% were privately educated—a figure that rises to a staggering 60% when looking at news presenters and journalists.

That prompted me to write to the director-general to inquire about the educational background of the top earners off-screen. I received an impressive reply, telling me about all the things the BBC is doing to increase social mobility, but I did not get an answer to the question. The data that it did show me show that of what the BBC class as its senior leadership team, about a quarter were privately educated. That figure is not as high as for those on screen, but it is still well over three times what it should be, were the BBC to reflect the population as a whole.

It is also clear from the data that the senior leadership team is actually a much bigger pool of people than those earning more than £150,000, so the suspicion remains that those at the very top of the BBC—those on more than £150,000—are even less representative of the nation. It is clear the BBC is doing an awful lot at the entry level to improve social mobility, but that commitment has to go right to the top. I want to see transparency about the educational background of the top earners who are off-screen and a clear strategy to make sure that that section of its staff is more representative.

The other area of interest to me is more on the output side—but it is equally important. It stems from inquiries I made as a result of representations from a constituent who happens to be a professional musician who is concerned about the business relationship between the BBC and the arm's length administrator of its music assets: a foreign-owned music publisher and supplier of music for broadcast and commercial outlets. He believes that the publisher not only makes considerable profit from administration of BBC assets but controls the supply of music to the BBC from its own resources. Now, I have no idea whether that assertion is correct—I very much hope that it is not—but the obvious, incontestable way in which the assertion could be tested is by the BBC setting out what its musical output has been. Sadly, I have not been able to get any answers on that. The BBC tells me that of course it does not operate in such a way, but it will not publish the breakdown that I have requested.

The BBC has put forward various reasons for that, with the most common one being the sheer scale of the exercise. I am, though, sceptical of that. How can it be that the BBC has no record of the music it transmits? Surely the confident assertion made to me by the director-general that it does not favour music from major companies ahead of smaller independent labels cannot possibly be left unchallenged unless he has assured himself with reference to the facts. I am sure that once he would have claimed that the BBC does not discriminate against women, but as we know the recently revealed figures on senior pay highlight a significant gender pay gap.

When the Minister responds, I would be grateful if he indicated whether he has any particular powers to compel the BBC to provide the information needed to establish

beyond doubt whether its output is indeed as broad as is claimed. If he does not have such powers, does he agree that as the BBC is a taxpayer-funded organisation, it is in the public interest that it can demonstrate an even hand in its output? Does he agree that it is in fact in its interest to set out its output clearly and unambiguously?

In conclusion, again I reiterate my support for the concept and output of the BBC, but, like every other publicly funded organisation, it has a wider responsibility than simply the service it provides. Accountability and transparency must be at the heart of that responsibility.

2.33 pm

Brendan O'Hara (Argyll and Bute) (SNP): In the interests of transparency, like the hon. Members for Eastleigh (Mims Davies) and Taunton Deane (Rebecca Pow), I, too, am a product of the BBC, having spent almost a decade of my career as a television producer there. I have many great memories from there, and indeed made good friends during an interesting career. The BBC has many faults, and I have never stepped back from calling it out on those, but I am a critical friend of the BBC who will defend absolutely its editorial independence.

I congratulate the hon. Member for East Londonderry (Mr Campbell) on securing this debate. He raised important issues relating to complaints, commissioning, accuracy and honesty, and the gender pay gap. Although those issues mainly related to Northern Ireland, they do have a resonance across the UK, as we heard in contributions from the hon. Members for Eastleigh, for Keighley (John Grogan) and for Taunton Deane, and from my hon. Friend the Member for North Ayrshire and Arran (Patricia Gibson).

The hon. Member for Eastleigh spoke about the gender pay gap and working in BBC local radio. It says something if she is too old for radio, although I do not believe it for a minute. The hon. Member for Keighley talked about looking after those workers at the bottom of the pay scale.

I feel the pain of the hon. Member for Taunton Deane. Like her, I have experience as a struggling independent producer trying to get commissions. We have missed out on many excellent ideas from Oh! Television.

Rebecca Pow *rose*—

Mr Peter Bone (in the Chair): Order. I have been made aware that there is a sound failure, so *Hansard* cannot report. I can hear you and we can hear each other, and I do not want to lose the debate, so we will continue.

Rebecca Pow: Slightly in jest, if one did reach that stage, one might put in some proposals to make programmes about one's life here. Perhaps the BBC might find that entertaining.

Brendan O'Hara: I think it would have to be broadcast after the watershed.

My hon. Friend the Member for North Ayrshire and Arran made an important point about how the BBC managed to get away with what it was doing in terms of the gender pay gap for so long. Transparency is absolutely essential. She also mentioned the discrepancy between what is raised in Scotland and what is spent in Scotland, and I agree that that is unacceptable and must be addressed as soon as possible.

We are living in an age in which society quite rightly expects—indeed it increasingly demands—transparency and openness as the hallmarks of our society. Anything and any organisation that benefits from the public purse has to be open and accepting of that scrutiny. As the hon. Member for East Londonderry said, we in this place, above all, are open to scrutiny and transparency. Going forward, the BBC has to expect those standards as well. At a time when it was emerging from a series of damaging historical scandals, with accusations of it being complicit and numerous attempts at cover-up, it was something of a surprise to many of us that the BBC should be so vehemently opposed to having to publish how much its top presenters earn. Indeed the then chair of the BBC Trust, Rona Fairhead, said that it was “disappointed” that it would have to change and that the decision on the disclosure of presenters' pay was not, in her opinion,

“in the long-term interests of licence fee payers”.

Even the director-general, Tony Hall, questioned the merit of the Government's decision, saying,

“this will not make it easier for the BBC to retain the talent the public love”.

He continued:

“The BBC is already incredibly transparent.”

The much-fabled BBC insider fed to the press that it would be a “massive headache” for the BBC if it were forced to publish presenters' pay. Indeed. Those were prophetic words, because that did give it a massive headache—but for very different reasons from those it first imagined. It must have thought that there would be a day of voyeuristic tittle-tattle in the office when it came out. It did not realise that that frenzy of indignation, which it thought would pass in 24 hours, would take on arms and legs in the way it has.

By forcing the BBC to reveal its salaries, it revealed its gender pay gap. It must have been living in some kind of time warp not to have realised what it was doing. The disparity between top-earning men and top-earning women is and was shocking. It is something that the BBC, as a publicly funded broadcaster, had no right to hide from the very people who finance the corporation. The BBC, as we have heard, is in a privileged and unique situation, and therefore it has to undergo a level of scrutiny far beyond those in the commercial sector. The gender pay gap, the scandal and the attempt to cover it up, at a time when the BBC's popularity, particularly in Scotland, was on the wane, are mind-boggling. The decision to force the BBC to disclose its top salaries has been vindicated, because had it not, the gender equality issue would have remained hidden and unrecognised, and therefore unchallenged.

I realise that I am running short of time; I conclude by saying that the gender pay gap is not the only problem. I urge the BBC to look, as a matter of urgency, at the pay gap that exists within its own structures. What also emerged during this scandal was the massive pay gap that exists between the top and bottom earners within the BBC, with the Broadcasting, Entertainment, Cinematograph and Theatre Union reporting that 400 BBC employees earn less than 1% of its top-earning presenter. That is a scandal, and it should be addressed immediately. I look forward to the BBC taking it on and making a better job of that than it did of the gender pay gap.

2.40 pm

Kevin Brennan (Cardiff West) (Lab): At times this afternoon, the debate has felt like a reunion of former BBC employees. There have been certain complaints about BBC journalism, and at one point I thought we were going to hear the accusation that it was responsible for turning off the sound system and stopping our comments being broadcast to the nation—or the dozens of people following us on the BBC Parliament channel as we speak. Perhaps it is not dozens of people.

As many hon. Members have said, transparency is extremely important. Since I know the hon. Member for East Londonderry (Mr Campbell) is digging deep on this issue, I should reveal my interest in the matter, which is in the Register of Members' Financial Interests. I have received payments over the last year or so for my work as a musician from the TV channel Dave, which is owned by UKTV, which in turn is 50% owned by the BBC as part of its attempts to raise money from sources other than the licence fee, which of course it does in considerably greater amounts than it originally did. I congratulate the hon. Gentleman on securing the debate. He raised a lot of issues that I know he feels strongly about in relation to BBC journalism, and in particular the coverage of the issue that, as he pointed out, brought down the Administration in Northern Ireland, which we all hope will be up and running again soon. He raised points about transparency and salary, declarations of interest and other matters, including the vague answers he got to his questions from the BBC.

I will go on to make some positive remarks about the BBC as well, but I think it is better to give clear answers to Members of Parliament—they should be directed to the management, by the way—rather than the sort of vague answers that the Government routinely give to parliamentary questions. I would much rather the BBC answered questions directly, because a lot of the answers the hon. Gentleman gave from the BBC sounded like the sorts of answers I get when I table parliamentary questions. I do not know whether other hon. Members have had that experience when tabling questions to the Government, but I certainly have, and it necessitates further questions, freedom of information inquiries and so on.

The hon. Member for Eastleigh (Mims Davies) spoke very well, as always, and said that—rather like the Government—the BBC's left hand sometimes did not know what the right hand was doing. She rightly explained the importance of the BBC ensuring pay equality. One thing that came out in the recent publication of BBC staff's salaries was the issue of gender inequality, and indeed other forms of inequality. It is absolutely right that that information should be published and made transparent, and that the BBC should take urgent steps to address the issue—as should other broadcasters that are not subject to freedom of information requests, and do not have to make an annual report to Parliament in the way that the BBC does. All those in the private sector should also be looking to ensure gender equality, and other forms of equality, when it comes to pay and personnel.

I have known my hon. Friend the Member for Keighley (John Grogan) for 37 years, and he has been top talent himself all that time. He made a good point about the exposure that high-profile BBC presenters get, and the fact that that has huge value, beyond the salary that

they are paid. I completely agree. He also rightly pointed out the difficult job that journalists have had to do in Northern Ireland, and that we should remember that at all times.

The hon. Member for Taunton Deane (Rebecca Pow) told us that she could not reveal her age to us, despite this being a debate about transparency. I intervened on her, because we should be careful about the language we use when we talk about Government “holding to account” the BBC. It is worth reminding ourselves that the BBC is an independent organisation, established by royal charter. If we think for a moment, it is vital that it is not ultimately the Government's role to hold the BBC to account for its journalism and impartiality, for example, because the Government are extremely partial themselves.

It is a dangerous thing in those countries where the state broadcaster is in effect controlled by the Government. We know the implications of that in countries such as Russia. We want a publicly funded, transparent BBC that is accountable. The proper ways for it to be accountable are: to us as politicians via Parliament and the Select Committee, which is ably chaired by a member of the hon. Lady's party and has a number of my hon. Friends as members; and through, as my hon. Friend the Member for Keighley pointed out, an independent regulator, whose job is to make sure that the BBC fulfils its role under the charter, which is negotiated and in partnership with Government, and sets out that broad scope. That is the point I was making: it is a fundamental principle that we should not lose sight of.

Rebecca Pow: Perhaps I did not express it well, but my point was that clearly that system was not working well enough, hence the Government had to step in to require more transparency, which is now having an effect.

Kevin Brennan: We do not have time to rehearse exactly what happened and how all this came about, but I wanted to make that point with force.

The hon. Member for North Ayrshire and Arran (Patricia Gibson) said something that caused me concern; it was about whether the BBC's reporting was perceived to be biased. She said—I think I quote her accurately; I am sure she will tell me if I do not—that it does not really matter whether it is true that the BBC's reporting is fair and unbiased; all that matters is the perception. In other words, if she is saying that it is not about fake news but false perception, that is fine, but she seemed to imply that the perception is right, and that the BBC does not report impartially on politics in Scotland.

Patricia Gibson: For clarification, my point is that it is a problem if the BBC's paying customers do not have any faith in the way that it reflects their reality.

Kevin Brennan: Of course, the hon. Lady provided no evidence that that was a problem.

Patricia Gibson: Will the hon. Gentleman give way?

Kevin Brennan: I do not have time to give way. Surveys of the public perception of BBC impartiality over time suggest the exact opposite. It is important that we stand up to the Donald Trump-like approach to media when it comes to the reporting of the news.

My hon. Friend the Member for Ellesmere Port and Neston (Justin Madders) made some fair and responsible points about the importance of transparency and accountability. Time is short, and there is so much more that one could say; I am sure that the Minister will say some of it. On this occasion, we might even agree on a few things relating to the BBC, much though it would pain him to admit it.

I make a general point about the BBC. We all have our criticisms of it, and we have all been victims of its vigorous journalism from time to time. It once named me on “Panorama” for accepting hospitality at an event that it had invited me to. When I pointed out to the BBC that its right hand literally did not know what its left hand was doing, I felt the pain that other hon. Members have in being taken to task in their role from time to time.

The BBC will make mistakes, but it is important that we remember that it is still genuinely envied and admired, and has a huge reputation across the world. In the words of Joni Mitchell, from “Big Yellow Taxi”:
“you don’t know what you’ve got till it’s gone.”

In our quite appropriate debate about the transparency that is absolutely necessary for the BBC and the accountability it should have as a publicly funded organisation, let us not lose sight of the fact that it is an extraordinary British institution.

2.49 pm

The Minister for Digital (Matt Hancock): It is a pleasure to serve under your chairmanship, Mr Bone. I am so sorry to have kept you away from the debate on the withdrawal from the European Union—a subject that I know is very close to your heart.

I would like to thank the hon. Member for East Londonderry (Mr Campbell) for securing this important and over-subscribed debate about transparency in and of the BBC. He gave a number of examples of concerns with the BBC, many of which relate to specific accusations within BBC Northern Ireland. I am sure that the BBC has heard his concerns loud and clear; he was certainly transparent about his frustration. I understand that the BBC has offered to meet him, and I encourage him to take up that offer, but I also encourage the BBC to respond in substance to his concerns.

As many Members have said, the BBC is one of our most treasured institutions. I declare no financial interest, but I do declare that I love the BBC and think it is a very important British institution. It is an engine for creativity and growth, and I am proud of its role here and around the world.

The BBC receives £4 billion of public funding every year through the TV licence fee, which is a tax. As my hon. Friend the Member for Taunton Deane (Rebecca Pow) said, the BBC, as a public service broadcaster funded by the public, must be as open and transparent as possible. The public rightly expect the BBC to be scrutinised effectively and to know how it spends our money—and I say “our” not as a Minister, but as a licence fee payer.

I strongly support the transparency that has been brought to the BBC through the charter settlement. It will improve the BBC and bring it into line with other public services, other parts of Government and, indeed, our politics, which has got radically more transparent in recent years. Improving efficiency and transparency

was central to the charter review, and we have insisted on a whole series of changes in the charter to address these issues.

I agree with those who said we were right to introduce that transparency. Alongside it was effective, modern governance. It will be the responsibility of the new BBC board to deliver further transparency and greater efficiencies across overheads, including what needs to be done to lower the pay bill, where appropriate. The National Audit Office has become the BBC’s financial auditor for the very first time, as it is for the rest of the public sector. It will be able to do value-for-money studies on the BBC’s commercial subsidiaries, which return profits to the BBC, thereby generating public money. Of course, Ofcom is now independently regulating the BBC. A point that was brought up and has strong cross-party agreement is that it is important that an independent regulator regulates the BBC.

I was surprised at the comments of the hon. Member for Keighley (John Grogan), and by the Labour Front Bench’s opposition to seeing more diversity and distinctiveness at the BBC: we have had complaints by the Labour party about our calls for more diversity in the BBC. Of course I have a view on the level of diversity in the BBC, and I just wish the Labour party would join in. Where I do agree is that the BBC needs to look at pay across the piece, at all levels. I had much more sympathy with the point made powerfully by the hon. Member for Ellesmere Port and Neston (Justin Madders) about the powers to insist on transparency for the BBC in other areas of diversity.

Kevin Brennan: On a point of order, Mr Bone. I think the Minister might have inadvertently misled the House by saying that the Labour Front Bench, during the course of the debate, had opposed levels of diversity within the BBC.

Matt Hancock: I did not say that it did so during the debate. It did when the deputy leader of the Labour party, the hon. Member for West Bromwich, wrote to us attacking our insistence on more diversity at the BBC. Maybe the hon. Member for Cardiff West (Kevin Brennan) needs to have a word with his colleague and try to bring him into line. We are in favour of more diversity. At the moment, the Labour party is not, and I suggest it does something about that.

Mr Peter Bone (in the Chair): That was a point of order. Is the hon. Member for Cardiff West (Kevin Brennan) satisfied?

Kevin Brennan *indicated dissent.*

Matt Hancock: I think the hon. Gentleman needs to go and sort that out with his colleague. The hon. Member for Ellesmere Port and Neston made—

Mr Adrian Bailey (West Bromwich West) (Lab/Co-op): On a point of order, Mr Bone.

Matt Hancock: We do not have any time.

Mr Peter Bone (in the Chair): It is a point of order. I have to take it.

Mr Bailey: Just to correct the Minister, the deputy leader of the Labour party is the hon. Member for West Bromwich East (Tom Watson). I am the Member for West Bromwich West, and I would like no confusion.

Matt Hancock: I said West Bromwich because when I got to the end of saying it, I could not remember which I was referring to, but I was indeed referring to West Bromwich East.

Anyway, Ofcom has powers to insist that the BBC be transparent, and the charter gives Ofcom specific powers to consider the distinctiveness of music output on Radio 1 and Radio 2—not just the number of plays, but the size of the playlist and whether it is a peak or off-peak time. I suggest that the hon. Member for Ellesmere Port and Neston takes his point, which has a lot of merit, up with Ofcom, because it has those powers; the Government do not, for the reasons discussed during the debate.

The Government also require the BBC to disclose details on staff and talent where salaries are over £150,000. That was the meat of the debate today. The latest pay disclosure really shines a light on some practices that have been going on for a long time in the BBC, and not least on the gender pay gap, as discussed. I am very proud that we have introduced mandatory gender pay gap reporting for organisations with more than 250 employees, because that will help the organisations. I have an awful lot of sympathy with the statement put out by BBC women yesterday, which said:

“The Director General must be in no doubt about how serious an issue equal and fair pay is for women across the organisation. The BBC should be the standard-bearer for this.”

That is incredibly important. In fact, I think that on issues of diversity and gender equality, we should hold the BBC to a higher standard, if anything, than other organisations, because it literally reflects the nation and broadcasts to the nation.

All of us who cherish and support the BBC must strive to make it more transparent and hold it to account. That does not weaken the organisation; it improves an organisation, because where there is a problem, sunlight is the best disinfectant. My hon. Friend the Member for Eastleigh (Mims Davies) asked powerfully what further will happen on transparency. Mandatory gender pay gap reporting for the BBC, as well as for other organisations, is due by April next year, and we expect the BBC to take action to close that gap, which it says is 10%.

Of course, it is not just about the gender pay gap. As my hon. Friends the Members for Taunton Deane and for Clacton (Giles Watling) said, it is about the level of pay. It is also about equal opportunities—people from black, Asian and minority ethnic backgrounds are under-represented among the BBC’s top earners—and transparency on social mobility, as the hon. Member for Ellesmere Port and Neston set out.

The BBC should be leading the way. I welcome the director-general’s commitment to closing the gender pay gap by 2020. I was pleased to hear yesterday about his plans for an independent equal pay audit of all BBC staff in the UK and a separate report on the gender pay gap. I look forward to seeing those reports in the coming months and expect to see an improvement on the gender pay gap and diversity in the next set of BBC accounts.

Transparency is the order of the day in this debate, so I am delighted that we heard of the music talent on the Labour Front Bench. I am sure that the hon. Member for Cardiff West is regarded by viewers of the Dave channel as top talent, and maybe one day we will see his name in the transparency returns. I agree with him on the importance of impartiality at the BBC and with his robust defence of the BBC against the accusations from some Scottish National party Members. I conclude today’s debate by thanking all Members for their lively contributions. I am sure that the BBC will be listening, and I am sure also that we will return to these important topics many times.

2.59 pm

Mr Gregory Campbell: I am delighted that so many Members were able to take part in the debate. I thank the Minister for his response. I trust, as he indicated, that the BBC, at hierarchy level, will respond definitively to not only my questions, letters and emails but those of all other public representatives. We want to see a BBC of which we can be rightly proud—one that is independent, fearless and questions and pursues issues, but that is also transparent and accountable—so that people can defend the BBC locally, nationally and internationally.

Question put and agreed to.

Resolved,

That this House has considered the transparency of the BBC.

16-to-19 Education Funding

[DAVID HANSON *in the Chair*]

3 pm

Nic Dakin (Scunthorpe) (Lab): I beg to move,

That this House has considered 16 to 19 education funding.

It is a pleasure to see you in the Chair, Mr Hanson. I am pleased to move this debate and to see so many hon. and right hon. Members here on a Thursday afternoon to show their interest in this important subject. Let me start by declaring my interest in and passion for 16-to-19 learning.

I have worked in post-16 education most of my life and seen a multitude of times how high-quality learning transforms the life chances of young people. When elected to serve as Scunthorpe's MP, leaving my job as principal of John Leggott College, post-16 education was in a pretty good place with a relevant, dynamic, personalised curriculum and relatively decent funding to support a broad and balanced education with appropriate extra-curricular activities, guidance and support. Education maintenance allowance acted as a significant driver of ever-improving student achievement and social mobility.

Sadly, in the seven years I have been in Parliament, the challenge for post-16 leadership has become significantly greater, driven by huge, ongoing and accelerating financial pressures. The cuts to 16-to-19 education funding introduced in 2011, 2013 and 2014 have proved particularly damaging. The average sixth-form college lost 17% of its funding before inflation. If John Leggott College, which celebrates 50 years of providing outstanding education to the young people of north Lincolnshire this year, was funded at 2010 levels today, it would have £1.2 million more in this year's budget. That is astounding.

Mr Adrian Bailey (West Bromwich West) (Lab/Co-op): I congratulate my hon. Friend on securing this debate. Does he agree that not only has 16-to-19 education been affected by cuts in funding for that particular cohort but past and current Government cuts in adult learning and English for speakers of other languages impact on further education colleges and other education institutions in providing the sort of curriculum and resources necessary to teach 16 to 19-year-olds as well?

Nic Dakin: My hon. Friend is completely right. Cuts elsewhere in further education budgets make life even more difficult and challenging for people leading those institutions and delivering not only for adults but for 16 to 19-year old learners.

Alongside these funding cuts, inflationary pressures have continued to bite and costs have continued to rise. Employer contributions to the teachers' pension scheme increased from 14.1% to 16.4% in 2015, employer national insurance contributions rose from 10.4% to 13.8% in 2016, and business rates increased in 2017.

Gloria De Piero (Ashfield) (Lab): I was contacted about this debate by the principal of Sutton Community Academy in my constituency, who tells me that the budget is over £1 million less than it was three years ago and that the only way to balance the books would be to shut the sixth form, but it is desperate not to do that. My constituents need a leg up. They cannot afford to see a ladder that enables them to move on and up being pulled down.

Nic Dakin: My hon. Friend is absolutely right. Giving people a leg up and supporting them, and generating social mobility is exactly what good post-16 education does. She is absolutely right to remind us of the challenges in her constituency, which are reflected across the English education system.

Labour has shown real leadership in arguing for improved technical education to stand alongside the growth in apprenticeships begun under a Labour Government. T-levels have the potential to represent a step change forward, but those of us working in post-16 education have been here many times. The devil is always in the detail of delivery, but one thing is certain. Putting money into T-levels, as the Government are rightly doing, is no substitute for addressing the shortfall in funding the 85% of young people in general post-16 education. I hope that the new Minister, for whom I have enormous respect, will not fall into the trap of reading out a civil service brief that goes on at length about T-levels to avoid the central question that we are considering today—the underfunding of mainstream post-16 education, A-levels and applied general qualifications such as BTEC.

Thelma Walker (Colne Valley) (Lab): Colleges such as Kirklees College had over 3,000 16 to 19-year olds on full-time programmes last year, but the funding available covered only 15 hours a week per student. Does my hon. Friend agree that this is wrong and that we need fair funding for all 16 to 19-year olds, regardless of where they choose to study?

Nic Dakin: My hon. Friend is absolutely right. I want the Minister to focus on getting good value for the vast majority of students and to address the funding inequality that my hon. Friend highlights so well.

In its offer to the British people this year, the Conservative party promised fair funding for schools, but its current proposals wholly ignore post-16 education. This made complete sense when compulsory education ended at 16, but it is nonsense now that the raising of the participation age means that everyone remains in education and training up to 18. It is not being honest with the electorate, who expect the fair funding promise to cover all sixth-formers.

Dr David Drew (Stroud) (Lab/Co-op): Does my hon. Friend accept that one of the biggest problems is special needs in further education? Further education has a proud record of taking people who have not been in mainstream education and looking after them from 16 to 19. Unless there is additional funding for those students, they will always be disproportionately affected.

Nic Dakin: My hon. Friend makes a good point. The reality is that the squeeze on funding for education for 16 to 19-year-olds puts pressure on special needs support not only in colleges but in school sixth forms. This issue covers sixth-formers wherever they end up in the system.

Recent research from the Institute of Education describes sixth form education in England as “uniquely narrow and short” compared with the high-performing education systems elsewhere in the world in places such as Shanghai, Singapore and Canada. Our sixth-formers are now funded to receive only half the tuition time of sixth-formers in other leading economies. As my hon. Friend the Member for Colne Valley (Thelma Walker) pointed out, as little as 15 to 17 hours of weekly tuition and

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support has become the norm for students in England, compared with 30-plus hours in Shanghai. Students in other leading education systems receive more tuition time, study more subjects and in some cases benefit from a three-year programme of study rather than two.

Peter Kyle (Hove) (Lab): My hon. Friend is making some incredible points. Students are rightly now staying at school until 18 and those extra two years are important in tackling the country's skills challenges. Does he agree that we need to invest properly because otherwise we will be reduced to a core curriculum rather than the expansive experience that young people need to prepare them for life beyond school?

Nic Dakin: My hon. Friend is absolutely right. The tragedy is that already the post-16 curriculum has shrunk so we are already in danger of getting to where my hon. Friend describes, and there is concern about where we might be going in future.

The funding that schools and colleges now receive to educate sixth-formers covers the cost of delivering just three A-level or equivalent qualifications, and little more. As a result, the wider support offer to students has been greatly diminished. That means it is increasingly difficult to address properly the concerns expressed by employers that young people lack the skills to flourish in the workplace. The CBI's 2016 education and skills survey, for example, expressed concern about the current education system, with its emphasis on grades and league tables

“at the expense of wider personal development”.

My hon. Friend is absolutely right that we need to continue to commit and invest more in the sector to ensure that it does not shrink further.

I think everybody would agree that programmes of study in which students have too much free time are not effective at getting the best out of them. The students are in transition from a fairly directed pre-16 learning environment to the independent learning of HE and the world of work. That transition needs to be properly and appropriately supported.

On a recent visit to Scunthorpe's brilliant North Lindsey College, the excellent principal, Anne Tyrrell, remarked on how the demands from students with mental health problems had grown exponentially in recent years. Many schools and colleges lack the resources to address the sharp increase in students reporting mental health problems. That is a real issue that has been compounded by cuts to NHS and local authority budgets. The charity Mind recently found that local authorities now spend less than 1% of their public health budget on mental health. We know that students with better health and well-being are likely to achieve much better academically and that participation in extra-curricular activities has a positive effect on attainment. Such things are interlinked and related.

It is clear that the student experience in schools and colleges is deteriorating as a result of the funding pressures that hon. Members have drawn attention to in their own constituencies across England. For example, two thirds of sixth-form colleges have already shrunk their curriculum offer; over a third have dropped modern

foreign languages courses; and the majority have reduced or removed the extracurricular activities available to students, including music, drama and sport.

Even more concerning, almost two out of three colleges do not believe that the funding they receive next year will be sufficient to support students that are educationally or economically disadvantaged. So the underfunding of 16-to-19 education is fast becoming a real obstacle to improving social mobility.

As costs continue to rise, the underfunding of sixth-form education is becoming a major challenge for all providers. Schools increasingly find themselves having to use the funding intended for 11 to 16-year-olds to subsidise their sixth forms, which risks damaging the education of younger students. Small sixth forms in rural areas are increasingly unviable, lacking the economies of scale to provide students with the rounded education that we all believe in.

Grammar schools are increasingly raising their voices in serious concern about the underfunding of 16-to-19 education.

Kerry McCarthy (Bristol East) (Lab): Does my hon. Friend acknowledge that sixth-form colleges such as St Brendan's in my constituency are particularly hard hit because they do not even have the 11 to 16-year-old funding that might better enable them to support 16 to 19-year-olds?

Nic Dakin: Sixth-form colleges are particularly affected, as my hon. Friend describes, and they cannot claim back VAT in the way that schools do, so that puts them at a significant disadvantage overall.

The treatment of 16-to-19 funding is in stark contrast to the pre-16 funding that was protected in real terms under the coalition Government and protected in cash terms during the previous Parliament. The Secretary of State's recent announcement of an additional £1.3 billion for schools does not apply to students aged 16 to 19; nor does the minimum funding guarantee for students in secondary schools. That puts them at a disadvantage, with 16-to-19 education being very much the poor relation.

Yet the average funding of £4,530 per student received by colleges and school sixth forms is already 21% less than the £5,750 per student that is received to educate 11 to 16-year-olds in secondary schools. That compares with average spending on students, once they go into higher education at 18, of £8,780 per student. Perhaps we can learn from the private sector. In private schools the funding of students actually increases post-16 to £15,300 per student to reflect the additional cost of teaching 16 to 19-year olds. As we approach the autumn budget, now is the time for the Government to focus on this very real problem and resist the temptation to hide behind the glib arguments they have used in the past. After all, the new Minister is well grounded, practical and sensible: the very antithesis of glib. We look forward to her response.

It is welcome that there is now a single national funding formula for 16-to-19, but that does not compensate for its inadequacy. There is still inequality, as I have mentioned, between schools that can claim back VAT and colleges that cannot, leaving the average sixth-form college with £385,914 less to spend on their students.

There is no evidence base for the Government's assertion that the funds provided are sufficient. That is why I support the joint call from the Association of School and College Leaders, the Association of Colleges and the Sixth Form Colleges Association for the Government to conduct a proper review of sixth-form funding to ensure it is linked to the realistic costs of delivering the rounded full-time education that we all want our young people to have.

The Government's other assertion that success in school is the best predictor of outcomes in 16-to-19 education has not been supported by any evidence either. I know from my own experience how students who have struggled pre-16 can make spectacular progress with the proper support post-16. Bluntly, the Government have provided no evidence to justify reducing education funding by 21% at age 16. The chronic underinvestment in academic sixth-form education is bad for students, for our international competitiveness and for social mobility.

It is the students that matter. We are at real risk of letting them down. That is why I am calling on everyone to get behind the ASCL, AoC and SFCA's excellent Support Our Sixth-formers campaign, and I ask the Government to respond positively to their two clear, simple asks: first, to introduce an immediate £200 uplift in funding to improve the support offered to sixth-form students; and secondly, to conduct a review of sixth-form funding to ensure it is linked to the realistic costs of delivering a rounded, high-quality curriculum. A modest annual increase in funding of £200 per student would help schools and colleges to begin reassembling the range of support activities required to meet the needs of young people.

The uplift is affordable. It would cost £244 million per year to implement, and it could be largely funded by the underspend in the Department for Education's budget for 16-to-19 education, amounting to £135 million in 2014 and £132 million in 2015. At a time when 16-to-19 education is in dire need of additional investment, schools and colleges should at least receive all the funding that the Government put aside for 16 to 19-year-olds. As funding rates for sixth-formers have been fixed since 2013, such a modest uplift would also help schools and colleges to deal with the inflationary pressures and cost increases that they have faced during that time.

It is time for all of us, including the Government, to support our sixth-formers and give them a fair deal. In her response, the Minister can make a good start by saying that she is determined to champion high-quality general sixth-form education as well as T-levels and apprenticeships. She could also commit to ensuring that both the £200 funding uplift and the fundamental review are carefully and properly looked at as part of the autumn Budget process. She is tenacious and determined. She is capable of ensuring that the Government stop letting sixth-formers down and start investing in them properly for the future of all of us.

Several hon. Members *rose*—

David Hanson (in the Chair): Order. Self-evidently Mr Dakin's debate has given me a challenge. At least 13 Members want to speak; I must call the Scottish National party spokesperson at 4 pm, and there are the Labour party spokesperson and the Minister to get in,

so there is a limited time. Given the enormous Opposition interest, I think that Opposition Members in particular will have to restrain their comments severely.

3.20 pm

Peter Aldous (Waveney) (Con): It is a pleasure to serve under your chairmanship, Mr Hanson. I congratulate the hon. Member for Scunthorpe (Nic Dakin) on securing the debate. He is the right person to lead it, because of his distinguished career before he entered this place as the principal of a further education college.

The years from 16 to 19 are of critical importance in everyone's life; they are the transition years between school and the workplace. If we get things right in this place, young people go on to have successful and fulfilling lives from which they and their families benefit directly—as well as society and the economy. If we do not put down the right framework, lives can be unfulfilled, society can become fractured, and the economic productivity gap widens. Proper, stable funding is the cornerstone of a good, enduring 16-to-19 education system. In Waveney, 16-to-19 education is provided at Bungay High School, Sir John Leman High School in Lowestoft, East Coast College—the former Lowestoft College, which recently merged with Great Yarmouth College—and Lowestoft Sixth Form College. Students in the area also go to East Norfolk Sixth Form College in Gorleston, in the constituency of my right hon. Friend the Member for Great Yarmouth (Brandon Lewis). All those colleges and schools produce good results, often in challenging circumstances, and staff all go the extra mile in support of their students.

I will concentrate my comments on Lowestoft Sixth Form College and East Coast College. Lowestoft Sixth Form College opened in 2011. In a short time it has been an outstanding success, owing to the great work of the principal, Yolanda Botham, and her staff. This year, maths and physics A-level outcomes have been in the top 1% nationally. East Coast College was formed earlier this year, following an area review and, under the new principal, Stuart Rimmer, some exciting plans are emerging. Those include a new energy skills centre, for which the Government have provided £10 million capital funding through the New Anglia local enterprise partnership. There are some outstanding successes. Some good initiatives are taking place and some exciting projects are planned. That said, for them to be sustainable and successful in the long term, a secure and adequate revenue-funding framework must be put in place.

As the hon. Member for Scunthorpe has shown, 16-to-19 funding is at present seriously under-resourced. When a student reaches 16, their funding drops by 20%. At current funding levels, students in England receive, on average, 15 hours of teaching and support a week. That compares with 26 hours in Canada, 27 in Singapore and 30 in Shanghai. The House of Commons Library has identified seven challenges that 16 to 19-year-olds face. They are, in effect, being squeezed on all sides. The VAT iniquity means that an average sixth-form college loses £385,000 per annum of vital income. The ability to become an academy helps to address that problem, to a degree, but it is not practical for all sixth-form colleges.

STEM subjects are vital at Lowestoft Sixth Form College, but, worryingly, research shows that 15% of sixth-form colleges across the country have dropped STEM subjects. At the present time, when the nation

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should be producing more engineers and scientists, that trend must be reversed. The Government's T-education proposals are welcome, but are likely to cover only 25% of those in education. The solution to the problem, as the hon. Member for Scunthorpe said, is to adopt the four recommendations of the Association of Colleges, the Sixth Form Colleges Association, and the Association of School and College Leaders. I shall not go through them in detail, as he has already set them out.

Colleges are a great British success story. They deliver great results and are an important—vital—lever for social mobility, which is relevant in Lowestoft in my constituency, where there are significant pockets of deprivation. However, colleges cannot continue to perform their role if they are not properly funded. In Lowestoft there are exciting regeneration plans, with the two colleges playing lead roles. If the full potential of the plans is to be realised, 16-to-19 education funding must be put on a sustainable long-term footing.

3.25 pm

Joan Ryan (Enfield North) (Lab): I congratulate my hon. Friend the Member for Scunthorpe (Nic Dakin) on securing this important debate, and on his powerful speech. It is a pleasure to follow the speech that the hon. Member for Waveney (Peter Aldous) has just made. I, too, urge the Government to adopt the recommendations of the Support Our Sixth-formers campaign.

Enfield is one of the top-performing local authorities for education in the country, with 97% of our schools rated either good or outstanding by Ofsted. This year the borough's A-level pass rate of 98.2% exceeded the London and national pass rate average, and 96% of students who took a level 3 vocational qualification in Enfield achieved a merit or better. Students, staff, schools and colleges are and should be proud of those outstanding achievements, especially when under the present Government they have faced the largest real-terms cuts to their budgets in a generation. However, as the Support Our Sixth-formers campaign has said,

“the development and progress of young people cannot simply be measured through annual performance tables.”

Extra-curricular activities and non-qualification support are crucial in delivering a well-rounded, high quality education. Careers advice, study skills training and mental health support, to which my hon. Friend the Member for Scunthorpe referred, are important for the wellbeing and personal development of students.

Enfield is the 12th most deprived borough in London and we have the highest number of children—almost exactly a third of our children—living in poverty. That is not a race that we were hoping to win. Additional help and educational support is invaluable for all students from disadvantaged backgrounds. Before the recess, I had the pleasure of attending a careers fair at Enfield County School in my constituency, which reinforced my sense that schools and colleges offering such extracurricular activities are uniquely placed to provide the essential knowledge and skills required by students, so that they can make confident and responsible choices for their future.

However, I know from having visited almost every school and college in my constituency that many head teachers and principals are being forced into taking

drastic measures to balance their books. Extra-curricular activities on offer to 16 to 19-year-olds are being cut, the range of subjects on offer for A-levels and vocational training curriculums is being reduced, and the retention and recruitment of teachers and support staff is proving ever more difficult, as pay is held down.

It is students in Enfield and elsewhere who are paying the price for the Government's misguided funding policy. Sixth-formers have also suffered from a sustained period of under-investment in comparison with other students in full-time education. Given the importance of extra-curricular activities and non-qualification support to that age group, many head teachers and principals I have spoken to cannot understand the justification for an arbitrary reduction in per pupil funding—currently 21%—when students reach the age of 16. I agree. They are being short-changed. As recommended by the Support Our Sixth-formers campaign, the Government must conduct an urgent review of 16-to-19 education funding.

The future success of our country relies on our young people getting the best education and the highest-quality curriculum that we can give them—especially with Brexit looming large in front of us. I know that the second recommendation from the Support Our Sixth-formers campaign—to introduce a £200-per-student uplift to improve the education and support available—would be put to very good use by schools and colleges in Enfield. The Government should take heed of that advice, because those students—indeed, all students—deserve a fair funding deal. A Government decision not to review funding and not to increase investment in sixth-form education will be bad for our young people and our country, at a time when we need to build the best skilled workforce possible.

3.29 pm

Mims Davies (Eastleigh) (Con): I congratulate the hon. Member for Scunthorpe (Nic Dakin) on securing this important debate, and it is a pleasure to serve under your chairmanship, Mr Hanson. I was part of a previous Adjournment debate on this matter and have looked forward to this broader debate, which is very welcome.

First, I welcome the huge progress made under this Government on 16-to-19 education as a whole. This year, the percentage of entries awarded the top A* or A grade is 26.3%—an increase on the 2016 results—with an overall UK pass rate of 97.9%. I am particularly pleased that the proportion of entries in STEM subjects has increased and that there are more female than male entries in chemistry for the first time since 2004. Having hosted an event in Parliament in June to promote women in engineering, alongside the Women's Engineering Society, I am absolutely delighted that we are doing something about that at sixth-form level. Alongside industry, we roundly looked at the challenges in relation to STEM for students of both sexes, with a view to ensuring that they have a chance to have the career that they need post 16-to-19 education. This Government, and certainly my colleagues and I, do not take the challenge post-16 at all lightly.

On top of the excellent secondary schools that offer A-level courses in my constituency, we are fortunate to have the stand-alone colleges. I think the importance of that will come out in the conversation and debate today; they are themselves definitive success stories in many constituencies across the UK. Eighty-seven per cent.

are rated good or outstanding by Ofsted—that includes Eastleigh College, with which I have strong links—and 55% of disadvantaged students progress to university, compared with 42% from state schools or colleges. Even better, 90% of students attending sixth-form colleges go on to study for a second year at university, if that is right for them.

Let me take this chance to thank my two local post-16 colleges for the great visits that have allowed me the opportunity to see the work that they do, and their principals: Jan Edrich at Eastleigh College and Jonathan Prest at Barton Peveril College.

Students in my constituency have a great choice. Eastleigh College is packed full of apprenticeship opportunities and is strongly linked to business. It is a leader in air conditioning and gas engineering training. All of that is very much needed. Business leaders in my constituency want work-ready post 16-to-19 students. As a Conservative and a believer in choice, I know it is vital that we give our students such opportunities, so I must ask my right hon. Friend the new Minister to take her opportunity to balance the skills agenda alongside the need for traditional colleges in order that all our students have the right opportunities. I believe that there will be continued strong lobbying from the Sixth Form Colleges Association; it is certainly beating down my door, and I am sure it is beating down hers.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): While the hon. Lady is talking about the importance of such education to employers, will she recognise that education in a sixth-form college is not just about the three A-levels, but is often about the wider experience, including work placements, that colleges give their students, and that that requires resources for the colleges to be able to administer it effectively and properly? That is why the £200 uplift is so important.

Mims Davies: I absolutely agree that a well rounded education is very important; I will come to that shortly. Both academic and pastoral excellence is vital in all our education institutions.

During the summer recess, I was delighted to carry out another visit to Barton Peveril College in Eastleigh and meet the principal, Jonathan Prest. This is a thriving sixth-form college in my Hampshire constituency. With more than 3,000 full-time students, it is one of the 12 largest sixth-form colleges in the country and therefore has a huge responsibility when it comes to preparing our young people for the world of work. It seems that colleges of that size and scale can just about manage when it comes to the finances, but we want to ensure that the opportunities in traditional colleges are maintained, alongside the skills agenda.

I was concerned to hear about the current funding arrangements. The situation was not new to me. I have written to my right hon. Friend the Secretary of State about post-16 finances and raised the matter with her directly in the main Chamber, and I am grateful to her for spending time with me. Currently, sixth-form colleges and school or academy sixth forms receive £4,531 per student. That is less than we provide for younger students in secondary schools. It is 48% less than the average university tuition fee and about 70% less than the average sixth-form fee in the independent sector. Unlike schools and academies, traditional sixth-form colleges

struggle to cross-subsidise—that is probably the best way of putting it. We have also heard about the inability to get VAT costs reimbursed. The issue has therefore been raised today, and I know that the Minister will look at it, because it does affect the learning of our sixth formers.

More broadly on 16-to-19 education and colleges, I absolutely agree about the opportunity to give our kids the cultural capital that they need when they come out of 16-to-19 education. Are we giving them the right opportunities? For example, are they being allowed to study for the Duke of Edinburgh's awards? Are they going out to see plays? Are they spending time with local businesses? The first thing that business people say to me is, "I can't get students who are work ready." Those extracurricular activities are really important; indeed, they are vital. We do not want bored 16 to 19-year-olds; we want work-ready 16 to 19-year-olds. I therefore join colleagues in supporting the benefits of that broader education.

I congratulate the Government on the excellent work being done to support the education of all our young people, but we must ensure that we look at the traditional 16-to-19 stand-alone college. I must personally thank all the colleges and their staff and everyone across the country who is doing this work. I also thank the governors, who are doing so much work as well. They are often forgotten.

I will finish by asking the Minister to consider carefully the concerns raised about funding arrangements for stand-alone sixth-form colleges. I look forward to working further with her on these issues as we go forward.

Several hon. Members *rose*—

David Hanson (in the Chair): Order. I am going to call Norman Lamb next, but self-evidently a number of hon. Members wish to speak. To get them in, I will have to impose a time limit, which I will announce after Norman Lamb has spoken. The hon. Member for Glasgow North West (Carol Monaghan) has graciously said that she will cut short her remarks, so I intend the Front-Bench speeches to start at five past 4, and I ask hon. Members to bear that in mind. I will set the time limit once Norman Lamb has finished his hopefully reasonably brief remarks.

3.38 pm

Norman Lamb (North Norfolk) (LD): It is a pleasure to serve under your chairmanship, Mr Hanson. I will try to follow that guidance.

I, too, congratulate the hon. Member for Scunthorpe (Nic Dakin). I agreed with pretty much everything he said and I very strongly support the campaign for our sixth formers. With that clear, I want to use this opportunity to speak on behalf of the brilliant Paston Sixth Form College in my constituency. This year, it secured an A-level pass rate of 99.3%, with 80% at grades A* to C. It is an institution achieving very high academic standards, yet as a result of a completely flawed area review, it is being forced to merge with City College Norwich. That is a good institution, but it serves a different market and has a different purpose from a sixth-form college with a very strong academic standard. It is a sixth-form college in an area that has a low-wage economy and where

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there is traditionally a low rate of students going on to university, yet we are forcing it to merge and losing it as an independent, stand-alone institution. That is a crying shame.

I am disgusted, frankly, by the area review, which I think is completely flawed. Why is that? The area review combines further education colleges and sixth-form colleges—two types of organisation that often do very different work—and leaves out school sixth-forms, which are doing the same job as sixth-form colleges. It is totally flawed. An institution that is currently funded for 688 students is deemed to be unsustainable, when there are two new free schools in Norwich—one of which is funded for 201 students and the other for 80 students—which are deemed to be viable. How can anybody justify that uneven playing field, which has forced a brilliant institution to merge and lose its independent status?

Kelvin Hopkins (Luton North) (Lab): The right hon. Gentleman touches on a subject that also affects me very much. Two local colleges are being talked about in terms of a forced merger. I have written to Ministers and to the educational establishment to try and make sure that it does not happen. I hope that the Minister takes note that we do not want forced mergers, which damage our local systems.

Norman Lamb: I thank the hon. Gentleman for that intervention. I do not mind diversity. I absolutely advocate diversity of provision, but I want a level playing field. I want every institution to live or die on the basis of the same rules, yet special favours are being given to free schools. There is an uneven playing field between school sixth-forms, which can cross-subsidise from the higher funding for early years education, and sixth-form colleges, which cannot do that. That is unjust. The Government are responsible for the loss of an independent institution that performs brilliantly. I would like to meet the Minister to discuss my very real concern. I have written about it previously, but my plea was ignored and the flawed area review carried on. At some point, if we want to retain these brilliant institutions, we have to be willing to reflect on a flawed system, and decide to look at all institutions on a level playing field.

Lloyd Russell-Moyle: Will the right hon. Gentleman give way?

Norman Lamb: I am conscious that the restrictions from the Chair dictate that other people need to get in, so I will resist the temptation there.

Let us recognise that sixth-form colleges across the country have a very good record of delivering high academic standards. For some reason, it appears that the Government have a negative view of them, and are prepared to see them wither and die in some cases. That is a big mistake. Let us recognise the fantastic performance of sixth-form colleges across the country. Paston is not unique in that regard. Let us make sure we preserve them and give them a bright future.

David Hanson (in the Chair): I am going to have to impose a limit of three minutes for the moment, which should just about get everybody in before the Front-Bench spokespeople begin their deliberations.

3.43 pm

Mr Marcus Fysh (Yeovil) (Con): It is a pleasure to serve under your chairmanship, Mr Hanson. I congratulate the hon. Member for Scunthorpe (Nic Dakin) on securing this debate. It is massively important that we focus on the opportunities for our young people, and on giving them the skills they need to take those opportunities and make the most of their lives. In Somerset we have some great opportunities, but delivering the skills required to take advantage of them is a major challenge in some areas.

I want to thank the Government for their attention to secondary schools within the adjustment of the funding formula that has been proposed. That goes some way towards outlining and improving some of the opportunities, but I think it is absolutely right that this debate has highlighted some of the anomalies in the education system for 16 to 19-year-olds. Secondary schools find some aspects very challenging. For example, in rural areas such as mine, where there is not a major university close by, it is quite hard to recruit staff, and that all has an impact on what can be delivered.

In Yeovil we have a great sixth-form college, which provides terrific opportunities and has done a great job of improving its standards over recent years, but I just want to highlight one or two of the challenges it is facing. We have heard about the VAT anomaly, and I would like to reiterate that. I would also like to say that, in general, applying for funding to renovate existing buildings and capital stock, to keep the experience as we would want it to be, is actually very hard. That is because applications now go from the LEP pot, and unless a particular building has a LEP-approved priority as its basis, it will not get the funding. The sixth-form college in Yeovil is struggling with that.

I would also like to highlight the new regulations that have come into the Insolvency Act 1986, which essentially allow colleges to go bust. That puts pressure on their financing. They are unable to refinance their existing loans without having to pay very large redemption fees, and that limits what they are able to do. I think Barclays and Lloyds are the main players in that business. If the Minister looked at that in particular, I would be grateful.

I am also very grateful for the Minister's attention to the Somerset Skills and Learning business, and thank her for arranging the meeting on Monday. That has serious challenges, but I thank her for her intervention on it.

3.46 pm

Grahame Morris (Easington) (Lab): I congratulate my good and hon. Friend the Member for Scunthorpe (Nic Dakin) on securing this important debate. I want to highlight some particular points that apply to my own college, East Durham College. I thank the excellent principal there, Suzanne Duncan, and all the staff, for their hard work and dedication to the students in my constituency, and for giving me an insight into the funding issues facing it and other FE colleges.

I agree with the points that many hon. Members have made about the unfair nature of funding, which has been acknowledged by the Government. Given the Government's commitment to look again at the schools funding formula, which they described as being out of date, it is a glaring omission not to look at post-16 provision.

Mike Hill (Hartlepool) (Lab): As my hon. Friend knows, Hartlepool has excellent sixth-form and FE college provision. Hartlepool College of Further Education, which also provides an education for his constituents in Easington and east Durham, offers a diverse range of apprenticeships providing bespoke skills for the future jobs market, and is the second highest performing college in England. Yet it is struggling with debt due to underfunding; several mergers have failed due to the lack of adequate funding. Does my hon. Friend agree with my question—what guarantee can my constituents be given that proper financial resources will be put into the future education of young people in our area?

Grahame Morris: I completely agree. Many hon. Members, including my hon. Friend the Member for Hartlepool (Mike Hill), are really concerned about the impact on their facilities.

There are common threads in the nature of the unfair funding formula. These are questions that the Minister must address, and we are hopeful on this side of the House that she will do that in a fair and open manner. There have been significant cost rises over the last four years and the funding rates within the formula have been fixed. That has led to real-term funding cuts in further education. In particular, in east Durham, an area of high deprivation that I represent, the formula significantly affects resources. By an anomaly referred to as the college age penalty, for each student between 16 and 18-years-old East Durham College receives £4,000, but that is reduced to £3,300 for a student aged 19, even when such students are undertaking exactly the same college courses. East Durham College estimates that this college age penalty costs it over £100,000 a year—the equivalent of three teachers. It would be helpful if the Minister could, in her concluding remarks, explain why educating and training a student aged 19 is seen as less important or valuable than educating an 18-year-old student.

The Government's funding cuts and rising costs mean that post-16 education is becoming a part-time experience. Other hon. Members have referred to students receiving only 15 hours a week of teaching and support, which is inadequate, and compares poorly with our European competitors. We are failing to fund education. That is short-sighted and detrimental to our young people and our economy.

Subject choices are being reduced and courses cut, particularly those run by colleges with smaller intakes and those that provide services to rural areas, as Members from all parties have mentioned. The current funding crisis will lead to larger class sizes, unavailability of subjects such as music and drama, reduced teaching hours, fewer extracurricular activities and less student support. There will be further sixth-form closures and reductions in A-level courses—although the Government are demanding greater rigour—and more college mergers.

I support the points made by my hon. Friend the Member for Scunthorpe. I ask the Minister to invest in our young people. She should not be the Minister responsible for kicking away the ladders of opportunity that many of us in this House took for granted when we were students. Education is an investment. I hope that she will commit to ensuring that every student can receive a high-quality and comprehensive education.

3.51 pm

Yvonne Fovargue (Makerfield) (Lab): I congratulate my hon. Friend the Member for Scunthorpe (Nic Dakin) on obtaining this important debate. Given the statistics that we have heard, it is no surprise that the two exceptional sixth-form colleges in my constituency have both contacted me to express their concerns.

Winstanley College has a stellar reputation as a high-performing academic institution, but it has now cut German from its curriculum, meaning that that language is now lacking in my borough. St John Rigby College, judged outstanding in every aspect by Ofsted in February 2017, is rightly proud of its inclusivity—85% of its students reside in Wigan—whereas Winstanley is well-known across the north-west, and many students travel for hours to get there.

The Ofsted report particularly praised the extent to which St John Rigby provides extra support to enable students to achieve. That is vital in order for them to excel, but it is unfunded, and as teachers are being asked to teach larger groups for more hours, the capacity to provide such support is diminishing. In my constituency, raising aspirations and building confidence are crucial, but the college principal, Peter McGhee, believes that the funding cuts are having the biggest impact on marginally qualified students. To him, it is an issue of social justice and social cohesion.

To ensure that students who need support and are less independent in their studies receive that support, the college has decided to keep teaching groups at the right size for students, meaning that it cannot invest in the estate or new technology. As funding continues to fall in real terms, its only option is to remove some of the unfunded aspects of provision, but whether it is additional study groups, one-to-one support sessions or supported revision sessions, they are all vital to those students in my constituency. The students who need extra support are the marginally qualified, who just about managed in school. Perhaps they failed a bit or did not get on with the environment, or they have higher anxiety or mental health needs. Often, their only support is provided by the college, due to cuts to NHS and local authority provision.

Unfunded programmes that develop skills and values are also under threat. The Values for Living programme has been praised by Ofsted for changing students' lifestyles and developing their personal, moral, social and employability skills exceptionally well. Is that not what we want for our young people—to be the best that they can be in all aspects and to have the groundwork laid for a happy, healthy, productive adult life? To do so, students in Wigan need to spend more time in college, not less, as they achieve best when they are busy and engaged in a structured programme. However, that is now unaffordable, and large numbers of my constituents will be deprived of the education and opportunities to which they are entitled. The colleges in Makerfield and I are ambitious for every student, but we need the Government not only to share that ambition but to take practical steps so that it can be achieved.

3.54 pm

Kelvin Hopkins (Luton North) (Lab): I shall try to stay within three minutes. I speak as a governor for 24 years of Luton Sixth Form College, a superb college with great achievements. Indeed, we have a great success

[Kelvin Hopkins]

on my immediate left: my hon. Friend the Member for Bristol East (Kerry McCarthy) was a star pupil at Luton Sixth Form College many years ago, which proves my point. I am also chair of the all-party parliamentary group for sixth-form colleges, so I will focus particularly on those.

In my second ever debate in this Chamber, some 20 years ago, I called for better funding for sixth-form colleges. Since then, funding has been squeezed, cut and cut again despite constant campaigning against such cuts. In that earlier debate, I described sixth-form colleges as geese that lay golden eggs: in my view, they are the most successful institutions in our entire state educational system in educational achievement, teaching and learning and value for money.

All of that is increasingly at risk from funding cuts. We should restore and increase funding for sixth-form colleges, not cut it. Indeed, I have called on numerous occasions for the creation of many more sixth-form colleges. The arguments for such a programme are overwhelming. I ask the Government to consider that possibility again and take steps to expand the sixth-form college sector.

Of the final two points that I emphasise, the first is the need for greater contact teaching hours. It is a disgrace that our sixth-form students have half as many contact hours with teaching staff as their counterparts in Shanghai. As a former student as well as a former lecturer on A-level and other courses in further education, I know that there is no substitute for classroom teaching, tutorial time, pedagogic teaching and endless explanations so that all our students can succeed and achieve to the maximum of their abilities.

Secondly, we live in a competitive economic world. It is vital that our students have the best education possible on all fronts, but particularly in mathematics. Luton Sixth Form College runs intensive mathematics courses for GCSE retakes, with great success, but they must be properly resourced. College funding is crucial. Britain still has a national mathematics problem; many students leave higher education with poor maths skills. Funding colleges of all kinds to raise maths standards for all students is vital in today's world. I ask the Minister to take those messages back to her Department.

3.56 pm

Dr Alan Whitehead (Southampton, Test) (Lab): Like my hon. Friend the Member for Luton North (Kelvin Hopkins), I wish to shine a spotlight specifically on sixth-form colleges. Many hon. Members have discussed them in this debate; some have one in their constituency, while others do not, due to the distribution of colleges around the country. I have one in my constituency; there about 90 unequally distributed around the country, but in Hampshire they are an integral part of sixth-form education, with nine colleges in the county.

I often think that sixth-form colleges are the poor relations of the poor relation, because they are classed neither as technical education nor as continuing education in the more traditional sense. They will not get much assistance, for example, from the proposals to increase investments in technical courses, because most students there are studying for academic qualifications such as A-levels, and their distribution means that it is easy for Whitehall to forget about them entirely.

I agree wholeheartedly with my hon. Friend the Member for Scunthorpe (Nic Dakin), who criticised the failings of the 16-to-19 education system generally and its funding gaps and discussed the need for review. I fully support the campaign being mounted to close those gaps, but I think that sixth-form colleges need all that and more.

Let me turn to the problems faced by my local sixth-form college in Southampton. It is a first-class college. It certainly does not seek to lose students who do not match an ideal profile, unlike certain places; on the contrary, it welcomes and nurtures students who need some remedial help to pass their A-levels, and it hosts several hundred students in that position. As my hon. Friends have mentioned, that leads to numerous instances, in a three-year sixth-form, in which the college receives not £4,000 per student, insufficient as that is, but £3,300. Nevertheless, the college achieves outstanding results in more than half the Southern Universities Network's "widening participation" categories, and gets twice the estimated level of university places.

It is, by any reckoning, a great place to study and a caring, nurturing environment in which to do so, but it battles constantly to maintain its standards and curricular opportunity due not only to the per capita funding formula but to a number of other specific disadvantages. I will briefly mention two. Sixth-form colleges, unlike school sixth forms, cannot claim back VAT, as we have heard. That costs my local college in Southampton £300,000 a year, which is absurd. I have been lobbying for that to change for some time. The other issue is that colleges are funding on a rolling basis. That is not a problem if the school can roll out its funding across the years, but in the case of a two-year intake it can be difficult to sustain.

My view of my sixth-form college and its redoubtable principal is that they are miracle workers who battle on to make a deeply flawed system work for the benefit of the students, but something has to change. They desperately need an uplift in per-capita funding. They desperately need to be seen as having a place in the system and a secure future in it. I hope that the Minister will respond positively to that plea.

4 pm

John Grogan (Keighley) (Lab): I will make just two brief points. On the national situation, I will add one point to the sparkling speech of my hon. Friend the Member for Scunthorpe (Nic Dakin), who mentioned the underspending on 16 to 19-year-olds. The latest figure he cited was from 2015-16, but according to a parliamentary answer given in July, the currently projected underspending is even higher, at about £267 million. That would leave some spare change if his suggestion of an immediate uplift in spending per head were introduced.

I take great heart from the tone of Government Members today. There is a real hint of pressure from Government Back Benchers to moderate the worst of austerity, particularly in this area. I hope the confidence of my hon. Friend the Member for Scunthorpe in the Minister and her boss will be fully justified in November.

On the local situation, Keighley College offers hope, aspiration and opportunity to hundreds of 16 to 19-year-olds each year. It innovates, often in association with Bradford Council, and has close associations with the Industrial Centre of Excellence for Advanced

Manufacturing and Engineering and the Fab Lab, which was set up largely under the inspiration of Mick Milner, a local entrepreneur.

Since 2010, Keighley College has been part of Leeds City College. I urge the Minister to look closely at the local area reviews for West Yorkshire and North Yorkshire, because both have concluded that Keighley College should come out of Leeds City College and join up with Craven College and Shipley College to form a new Airedale College. There is a lot of local support for that—it would give the college a greater identity and diminish competition between the three colleges in the Airedale area—yet Leeds City College seems to be holding out against it. I request a meeting with the Minister about that. Leeds City College is putting a high price—possibly above £20 million—on Keighley College, which I understand was gifted in 2010. Leeds City College is frustrating the process. The proposal is backed by the local area reviews in West Yorkshire and North Yorkshire. I am meeting the principal of Leeds City College, as well as the local enterprise partnerships and the various councils involved soon. I hope that they will respond more positively to the local area reviews, which involved central Government, local government and business, and that they will give Keighley College a fresh start so that it can do even more for 16 to 19-year-olds in the future.

4.2 pm

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): I congratulate my hon. Friend the Member for Scunthorpe (Nic Dakin) on securing this debate. In Plymouth, the education funding cuts for 16 to 19-year-olds are taking a real toll on many of the most vulnerable and poorest in our community. The excellent work of sixth-form teachers and of the excellent City College Plymouth is being slowly undone by Government decisions to reduce funding. Having spoken to teachers and lecturers in Plymouth, I am concerned that funding is insufficient to give our young people the depth and breadth of study they need, especially those from the poorest backgrounds.

A lot of investment has been put into STEM subjects and training people for the marine jobs that Plymouth excels at, especially at City College Plymouth's new STEM centre, but overall cuts to education funding for 16 to 19-year-olds are reducing the range of subjects across the city. As the son of a teacher, my starting point is that I want the Government to interfere less and to fund education better, and the latter certainly applies in Plymouth. Plymouth has a diverse tapestry of education, with every type of school, from nurseries and 19 free schools to private schools, FE colleges and academies. They have all shared concerns, privately or publicly, about the impact of education funding cuts on life chances, especially for those from the poorest backgrounds. Curtailing the breadth of study reduces their life opportunities.

The context of our education debate has changed. We need to look carefully at what the post-Brexit environment will mean for education. I would like the Minister to comment not only on the validity of the cases that hon. Members have made, but on how we can make true the rhetoric that I hear from Ministers about how Britain is to be a place of education, aspiration and skills. If the Government continue to cut education funding for 16 to 19-year-olds, we will produce less

home-grown talent and will find it harder to attract international students to study from ages 16 to 19, as City College Plymouth does. Nor will we be able to fulfil the potential of the post-Brexit skills environment, which I hear Ministers talk about so positively.

I urge the Minister to look not only at funding schools and FE colleges properly, but at pay rates in the public sector, especially in education. An awful lot of excellent people are going above and beyond—I have seen that at first hand in Plymouth—by doing unpaid hours and working extra to support our young people, especially in areas where funding for special educational needs and expanding horizons has been cut. Will the Minister look at how Brexit will change those environments? Will she make sure that she does not forget about the far south-west, where our education funding is already among the lowest in the country?

David Hanson (in the Chair): It's a miracle; everyone got in.

4.5 pm

Carol Monaghan (Glasgow North West) (SNP): I congratulate the hon. Member for Scunthorpe (Nic Dakin) on securing this important debate, in which many hon. Members have championed their local colleges. In Scotland we have a different education system, but I will make some brief remarks.

As a teacher, I know that there are arguably two phases of a young person's education that have a special significance: the pre-school years and the post-16 years. In the post-16 years, we have a real opportunity to make a difference to young people's life chances. Scotland does not have the separate sixth-form colleges that several hon. Members mentioned, so we do not have that budgetary shortfall at a particular stage of secondary education. However, I am concerned by the figures that the hon. Member for Scunthorpe quoted, which suggest that large chunks of the budget that the Department for Education has allocated to post-16 education have actually been spent on other areas. The Government should be investing heavily in post-16 education, because it may be the last opportunity to influence the life chances of our young people.

Many hon. Members expressed concern that vital STEM courses have been dropped from sixth-form timetables. That is greatly damaging to our growth and future economic prospects. We need to increase, not reduce, the number of STEM courses and STEM-trained young people.

The right hon. Member for North Norfolk (Norman Lamb) and others mentioned the possibility of mergers. We heard a positive slant and a more worried slant on the issue, with concerns about losing brilliance from an individual institution.

Lloyd Russell-Moyle: The important thing with mergers, as I hope the hon. Lady agrees, is that they can be directed by local institutions and local people, rather than nationally or by other authorities.

Carol Monaghan: Sometimes local people are interested in preserving a particular institution but may not see the potential for excellence from a merger. For example, City of Glasgow College in the centre of Glasgow was created from a merger of a number of older colleges, many of which were in buildings that were not fit for purpose or had poor facilities. The new college has

[Carol Monaghan]

two sites, the city campus and the riverside campus, both of which are brand new. It sits between Strathclyde University and Glasgow Caledonian University, and its building is the most impressive of them all. The subjects offered include catering, building trades, engineering and nautical studies, to name but a few. It has state-of-the-art simulators—I had a great shot in one last week—and is training ship staff for all over the world. Gary Maclean, the winner of last year's "MasterChef", is training future chefs there. It is a world-leading institution with more than 30,000 students and it has the potential for 10,000 more. It really is at the cutting edge of college education, but it has taken massive capital investment—a step that the UK Government could follow if they are serious about investment in the sector.

The UK Government could take other steps. They could follow Scotland's lead and reinstate the educational maintenance allowance, which allows young people from deprived backgrounds to remain in education. The hon. Member for Makerfield (Yvonne Fovargue) mentioned class sizes and the impact of large class sizes on the marginally qualified. Those are the young people who colleges should be reaching out for and making a difference to.

In conclusion, I absolutely support the calls from the Support our Sixth-formers campaign for the £200 per student uplift; that is a drop in the ocean when we are talking about a young person's educational journey. These young people have our future in their hands. It is important that we give them the tools and the funds for success.

4.9 pm

Mike Kane (Wythenshawe and Sale East) (Lab): It is a pleasure to serve under your chairmanship, Mr Hanson.

I thank my hon. Friend the Member for Scunthorpe (Nic Dakin) for securing this debate. He has a long track record—it began long before he came to this place—in governing and managing further education institutions. And just look at the turnout that he has got today. It shows the respect in which he is held, particularly on this subject.

I pay tribute to my local college leaders: Lesley Davies at Trafford College and John Thornhill at Manchester College. They run absolutely fantastic colleges, but they face the same pressures as all college leaders up and down the country.

In July, the Local Government Association published a report warning the Government about the failure to address the lack of skills in the UK, which is the fundamental point of this debate. That lack of skills could cost our economy £90 billion a year. The LGA estimates that by 2024 there will be a lack of more than four million highly skilled people to meet the demand for high-skilled jobs. We will have to change.

In Greater Manchester, we are trying to plug the skills gap; I look forward to the discussions that the Department for Education will have about the section 28 designation of the college in the area. Hopefully, the Minister will approve the exciting new plans in the weeks and months ahead.

Those plans need to be approved. With Brexit looming, and frankly a remarkable lack of clarity from the Government on the reciprocal rights of EU workers,

there is an urgent need to face up to the skills gap. I normally cover the schools brief. In this country, we have 16,000 school teachers who are EU nationals. We already have a crisis in teacher recruitment and retention, which will only be exacerbated in the future, yet although there is an urgent need to upskill our workforce, since 2010 there has been an overall reduction of £1 billion in the funding for 16 to 18-year-olds. As was highlighted in the debate, the funding for a young person drops by 25% when they reach the age of 16.

According to the Institute for Fiscal Studies, education for 16 to 18-year-olds has been the big loser from education spending changes over the last 25 years. I disagree with my hon. Friend the Member for Scunthorpe: the Government did announce £1.3 billion before the rise of the House, but they have not told us how that money will be spent, and it will not even touch the sides of what is required, given the funding cuts hitting schools. For many years after 1990-91, spending per student was nearly 50% higher in further education than in secondary schools, but by 2015-16 it was 10% lower.

According to the IFS,

"spending per student in 16-18 education is set to fall further".

This funding gap becomes even starker when we consider the impact on teaching hours and make a comparison with other countries, as the hon. Member for Waveney (Peter Aldous) quite rightly pointed out. The former Secretary of State for Education, the right hon. Member for Surrey Heath (Michael Gove), wanted to compare our education system with that of other countries, as set out in the programme for international student assessment. However, as the hon. Member for Waveney said, pupils in Shanghai receive twice as much teaching and face time as pupils in England. That has to change. How can we expect our children to reach the skills level of Shanghai children when we give such limited time to our young people in college?

Despite the Chancellor's announcement in the Budget of plans to invest £500 million in technical education, that money will cover only around 25% of those in education and it will not be fully in place until 2021. It does nothing to impact on the cuts that have already been implemented.

Colleges also face confusion over the apprenticeship levy. The levy puts employers in the driving seat when it comes to funding, and we do not know whether moneys will be passed on to colleges in the future.

Mr Bailey: An issue that has been brought to my notice is that colleges have to make two applications: one for levy work and one for non-levy work. The tendering process is incredibly complex and very difficult for colleges to plan for, and there is also the fear that small and medium-sized enterprises will be put off by it. Does my hon. Friend have any comments to make on that?

Mike Kane: I have, and I am grateful to my hon. Friend for that intervention. There is a huge reconfiguration of training going on, and it has not been properly thought out. That puts additional burdens on colleges. He is right to highlight the point.

There is also confusion about students between 16 and 18 who do not hold a GCSE grade A* to C—or 9 to 4 with the changes that have come in this year—in

maths or English. In future allocations, these students have to study maths and English as a condition of funding. Therefore, on top of other funding pressures, there is a risk that colleges will fall off a precipice. That is where we are at, and that is why there are so many Members here today. In May 2015, the Skills Funding Agency suggested that there were around 70 financially unstable colleges.

In the few minutes that I have left, I was going to talk about area-based reviews, but the former Minister, the right hon. Member for North Norfolk (Norman Lamb), spoke very eloquently about the issues we have had with them up and down the country. In Greater Manchester, the process was ably led by the Conservative leader of Trafford Council, Sean Anstee, but these area-based reviews really had no teeth, because colleges have gone away and done their own deals with the Department for Education, even though we have gone through a huge area-based review system up and down the country. The Minister really needs to get a grip on this issue and take a good look at it, as well as taking advice about it from fine council leaders and councillors up and down the land who have struggled to do the right thing but found that the review process just did not work out.

In conclusion, post-16 education faces a perfect storm: low levels of funding per pupil; no acknowledgement of inflationary or cost increases by the DFE, as was ably pointed out by my hon. Friend the Member for Scunthorpe; the unknown impact of the apprenticeship levy; the maths and English funding condition; and a costly and potentially failed review of post-16 education. If we truly want to meet the challenges of Brexit and address the problems it will create for our economy, we must face up to the country's skills shortage. We cannot do that by undermining our post-16 sector.

I pay tribute to every Member who has contributed today. I am afraid that I have not got round to mentioning them all, but all of them—from all parties in this House—have ably stood up for their colleges; well done to them for that.

David Hanson (in the Chair): Before I call the Minister to respond to the debate, I remind her to leave, if possible, one minute at the end for the hon. Member for Scunthorpe (Nic Dakin) to sum up.

4.17 pm

The Minister of State, Department for Education (Anne Milton): It is a pleasure to serve under your chairmanship, Mr Hanson. I have been silenced by the Whips Office for five years, so this is quite an exciting moment for me. Thank you for reminding me to allow the hon. Member for Scunthorpe (Nic Dakin) a minute at the end of the debate to sum up. I congratulate him on securing this debate and for his kind comments about me; I can perhaps reassure him by saying that the feeling is entirely mutual.

I have been inspired by the commitment of leaders and staff throughout the sector, and I am acutely aware of their concerns surrounding funding; I worked in the public sector for 25 years and I am truly conscious of these concerns. I am also aware that today the hon. Member for Scunthorpe has not touched on the issue of underspends, which he has tabled many parliamentary questions about. As a former principal at John Leggott College, he has particular expertise in this area.

The hon. Gentleman sent me a message today via my officials asking me not to go on about all “the guff” on apprenticeships and technical levels, or T-levels. Time probably prevents me from going on too much about those issues, but I will mention them, not least because a number of hon. Members have talked about preparation for work and acquiring life skills. These two opportunities—apprenticeships and T-levels—will provide exactly those things.

Nevertheless, I assure the hon. Gentleman that I am tenacious—I am like a dog with a bone—and his words have not fallen on stony ground. I did not go to university; I had the opportunity to do what we would now call an apprenticeship. I will certainly not be anything but a champion for this sector and the further education sector.

The hon. Gentleman is quite right that education transforms the lives of young people, but education must start at the beginning of their life—at a young age—to provide the basis for post-16 education. Funding pre-16 education is critical, but it is important to recognise that post-16 education is not just an opportunity for young people to carry on; it can give a second chance to those for whom the formal education sector did not work.

A number of Members spoke about the inequality between pre-16 and post-16 education funding and the issues of young people with special needs. Providers of 16-to-19 education were allocated £300 million, and for students on large study programmes—those containing four or five A-levels—there is additional funding, attracted through the funding uplift. Additional support for disadvantaged students amounted to £540 million in 2016-17.

My hon. Friend the Member for Waveney (Peter Aldous) spoke about the excellence of his local results and good local initiatives, but rightly pointed out the issues with revenue. He is right that colleges are a great British success. My hon. Friend the Member for Eastleigh (Mims Davies) mentioned female participation in science, technology, engineering and maths subjects and, as Minister for Women, I particularly join her in welcoming that. As an afterthought, we have had a hugely significant increase in the number of A-level entries in STEM subjects, from slightly more than 225,000 in 2010 to 270,000—an increase of nearly 20%. That is progress. It does not go far enough—particularly with regard to young women—but it is progress. The figures from my hon. Friend's college on the number of people from disadvantaged backgrounds going to university is testament to the hard work of such colleges.

The right hon. Member for North Norfolk (Norman Lamb) raised the issue of area reviews. I am certainly happy to see him and the hon. Member for Luton North (Kelvin Hopkins). I do not want to see good educational establishments wither and die. The area reviews have been important, but it is important that we respond to some of the local anomalies—for want of a better word—that crop up. My hon. Friend the Member for Yeovil (Mr Fysh) raised financial issues, and I would be happy to discuss them with him.

I am, however, going to include a word about technical education—the hon. Member for Scunthorpe cannot get away without it—because following Lord Sainsbury's review, the significant changes to the skills system will be very important. The hon. Member for Plymouth,

[Anne Milton]

Sutton and Devonport (Luke Pollard) mentioned breadth and depth, which are extremely important. The changes we are making are intended to grow home-grown talent and fulfil our potential.

Brexit, as we have mentioned, will be critical. A huge amount of work is going on to make sure that we have the skills in this country that we need. That work is not only for the country—we always talk about the country and the economy—but actually for individuals. It is important that they fulfil their potential. Additional funding, rising to more than £500 million per year, has already been announced to enable the delivery of T-levels when they roll out, and the first £50 million will be available to the sector in 2018 to help institutions build their capacity. I should also mention the improved work placements, which are about the breadth and depth of young people's experience. It is a clear indication of our commitment—it is money going behind policy.

Redesigning the skills system to respond to change and to address the needs of employers and individuals is critical. Many hon. Members referred to gaining work experience, and that will be a key part of the T-levels. The apprenticeship levy is also important. It is amazing to look at some of the apprenticeships that are being put together, and to talk to apprentices. Very often they are young people for whom school did not work, who did not want to go to university or did not get the grades to go. We will be spending double what was spent in 2010-11: £2.5 billion, which is not a small amount of money.

Mr Bailey: Will the Minister give way?

Anne Milton: I am terribly sorry; I know the hon. Gentleman spoke, but I do not have time to give way.

The crucial word is quality. Technical education must be a strong alternative to traditional academic routes. I know funding is difficult on the academic side, and I have noted the recommendations in the document in support of our sixth-form colleges, but I was also pleased to see the results in the reformed A-levels last month, which continue to maintain high standards and improve students' readiness for the demands of higher education. Curriculum and qualifications reforms that decouple AS-levels will allow more time to be spent on teaching and, I hope, learning—teaching is only half the story; pupils have got to learn it, too—as it allows flexibility for schools and colleges.

Education and training for 16 to 19-year-olds is one of my top priorities. The fact that a record number of young people are now participating in education or apprenticeships says much about changing attitudes to education, but I recognise that finances in colleges are significant. We often talk about funding, but possibly more important are the cost pressures in the system. The additional £500 million funding will mean more hours per student, and will provide support to secure

those work placements. That will take technical courses to more than 900 hours a year, which is an increase of more than 50% on the current 600 hours.

The additional funding will benefit FE colleges, which provide most of the technical programmes, but many sixth-form colleges and some school sixth forms will also benefit. At a time when public finances are under considerable pressure, that represents a significant commitment to the 16-to-19 age group, in the context of the wider pressures on finances. I will not spill out political rhetoric, but a strong economy is important and we have had some difficult decisions to make. Our commitment to maintain the 16-to-19 base rate for all types of advisers at current levels until 2020 is important. We have done that, but the Government will keep funding under consideration. As I said at the beginning of my remarks, my job will be to be a champion for the sector. Pre-16 school education is crucial in the success of students post-16, which is why pre-16 schooling must be a funding priority, but it does not end there.

The hon. Member for Keighley (John Grogan) mentioned the contributions from Members on my side, which I noted. I know that although money and results do not always follow each other, money does matter. I got into some trouble at my university hustings for talking about the sector and forgetting to answer the questions that they asked, but I assure the hon. Gentleman that, as someone who did not go to university, and for whom perhaps the school system did not work terribly well, this will be my opportunity to make sure that every young person in this country gets the opportunity they deserve, and an opening.

4.28 pm

Nic Dakin: I thank the 17 or 18 Members of Parliament who have contributed to the debate—on a Thursday, on a one-line Whip. That demonstrates the strength of feeling across the House and the country on this matter.

I thank the Minister for her response. Despite my attempts to encourage her to focus on the 85% of young people who go to general education, her civil servants managed to pull her back towards apprenticeships and T-levels. I understand that the investment she talked about for technical education is scheduled for 2020. Things need to happen now, to support the young people in the system now, because young people only have one chance to go through the system—although, as the Minister rightly said, post-16 education plays a particular role in second-chance education. Cross-party, we will hold her to account on being tenacious, championing, and making sure that when funding is under review, it can go up as well as down.

Question put and agreed to.

Resolved,

That this House has considered 16 to 19 education funding.

4.29 pm

Sitting adjourned.

Written Statements

Thursday 7 September 2017

DEFENCE

Armed Forces Pay Review Body Appointments

The Parliamentary Under-Secretary of State for Defence (Mr Tobias Ellwood): I am pleased to announce that I have invited Brendan Connor JP and Professor Ken Mayhew to continue to serve as members of the Armed Forces Pay Review Body for a further three-year term of office, commencing on 1 March 2018. I have also invited Rear Admiral (Ret'd) Jon Westbrook to continue to serve as a member of the Armed Forces Pay Review Body for an additional one-year term of office, commencing on 1 March 2018. These appointments have been conducted in accordance with the guidance of the Office of the Commissioner for Public Appointments.

[HCWS121]

FOREIGN AND COMMONWEALTH OFFICE

FCO Services

The Minister for Asia and the Pacific (Mark Field): FCO Services operates as a trading fund of the FCO. I have set it the following performance targets for 2017-2018:

A return on capital employed of at least 3.5% (statutory commitment);

An in-year surplus before financing and dividend costs;

A productivity ratio of at least 80%, measuring actual billable hours vs. available billable hours;

A customer satisfaction result of at least 80%;

An overall improvement on the average 2016 index Your Say score for "Employee Engagement" measuring above 58%; and

An overall improvement on the average 2016 index Your Say score for "My Manager", measuring above 62%.

FCO Services will report to Parliament on its success against these targets through its annual report for 2017-2018.

[HCWS120]

Lebanon: Border Assistance

The Secretary of State for Foreign and Commonwealth Affairs (Boris Johnson): The United Kingdom is strongly committed to supporting Lebanon's peace, stability and prosperity. Through a long-standing Conflict Stability and Security Fund project worth £22.6 million over three years, the UK is helping the Lebanese armed forces (LAF) secure the Lebanon-Syria border. This includes building 30 border watchtowers and over 20 forward operating bases along the border. Our ambition is for Lebanon to have complete authority over its border with Syria.

In order to reach this objective, in August this year, the British embassy in Beirut placed an order worth £1,818,096.02 for equipment—"Hesco" border defensive barriers—to support the construction of LAF Land Border Regiment towers. The decision was taken to order the materials in August, albeit during the parliamentary recess, to ensure that the materials would arrive in time to allow construction before winter.

The provision of this assistance is fully in line with the Government's security and stability objectives in the middle east. FCO officials carry out regular reviews of our programmes in Lebanon to ensure funding is not directed to non-state actors.

[HCWS118]

HEALTH

NHS Recruitment

The Minister of State, Department of Health (Mr Philip Dunne): I am today updating the House on the future of NHS Professionals Ltd (the company).

The Department of Health has today announced that NHS Professionals Ltd—a company which supplies flexible staffing to the NHS—will remain in wholly public ownership, after offers to buy a majority stake in the company undervalued its growing potential.

In November 2016, the Government decided to instigate a sale of a majority share in NHS Professionals Ltd as a potential path to providing it with the extra expertise, technology and investment it needed to work with more hospitals and drive greater savings for the NHS. However, after careful consideration, the Government have concluded that none of the offers received for the company through the open, rigorous bidding process reflected the company's growing potential and improved performance.

NHS Professionals was established as a limited liability company by the last Labour Government in 2010, with a specific intention to give it greater commercial freedoms and "prepare it for sale" (Department of Health, "Explanatory Memorandum to The NHS Professionals Special Health Authority (Abolition) Order 2010", February 2010). It currently holds a bank of over 90,000 workers filling more than 2 million shifts, saving the NHS £70 million every year. However, it only works with around a quarter of trusts, meaning that many others rely heavily on more expensive agencies to supply additional staff. We would like more trusts to work together to fill shifts via collaborative banks, and there will be opportunities for NHS Professionals Ltd and others to support this work.

Since the decision was taken to seek offers for the company, NHSP has significantly increased its performance such that audited profit before tax for the year ended 31 March 2017 was 44% higher than in the previous year. This improvement in financial performance continues to be built upon in the first quarter of the current year. The company's improved financial and operational performance means it can now invest in improved IT infrastructure, expand its services to the NHS and transform into a world-class provider of flexible staff while remaining under public ownership—generating further savings for the NHS, all of which will continue to be reinvested in frontline services.

The Government are fully committed to providing world-class NHS services that are free at the point of the use, now and in the future.

[HCWS116]

JUSTICE

Justice Update

The Lord Chancellor and Secretary of State for Justice (Mr David Lidington): Earlier today, I notified the market via the London Stock Exchange Group that I would today lay a Command Paper “The Personal Injury Discount Rate How it should be set in future Draft Legislation” (Cm 9500) before Parliament.

The paper invites comments on draft legislation to give effect to the Government’s proposals to change the way in which the personal injury discount rate is set in England and Wales. If enacted, the proposals will lead to the rate being:

set by reference to expected rates of return on a low risk diversified portfolio of investments rather than very low risk investments as at present.

reviewed promptly after the legislation comes into force and, thereafter, at least every three years.

set by the Lord Chancellor following consultation with an expert panel (other than on the initial review which would be by the Lord Chancellor with advice from the Government Actuary) and, as at present, HM Treasury.

The proposals have been developed in the light of the responses to the consultation paper “The Personal Injury Discount Rate: How it should be set in future”, which was published on 30 March, and related research. It is not possible to predict accurately now what the rate will be when it is set under the proposals, as this will depend on decisions made in the light of the then current circumstances. Nonetheless, without restricting the future exercise of the proposed power, the Government might expect, based on the evidence currently available and using illustrative assumptions, that if a single rate were set today under the proposals the real rate might fall within the range of 0% to 1%.

I am also publishing today:

the Government’s response to the consultation;

an impact assessment in relation to the proposals prepared by the Ministry of Justice;

the Government Actuary’s Department’s report “Ministry of Justice Personal Injury Discount Rate Analysis” (dated 19 July 2017); and

the British Institute of International and Comparative Law “Briefing Note on the Discount Rate applying to Quantum in Personal Injury Cases: Comparative Perspectives” (dated 20 March 2017).

I will place copies of all these documents in the Libraries of both Houses and they will be available at: <https://www.gov.uk/government/consultations/personal-injury-discount-rate-how-it-should-be-set-in-future>

and

<https://consult.justice.gov.uk/digital-communications/personal-injury-discount-rate/>.

[HCWS117]

TRANSPORT

Airports National Policy Statement

The Secretary of State for Transport (Chris Grayling): In my statement on 13 July this year, I said I would set out the next steps of the draft airports national policy statement (NPS) process following the summer recess.

The Government consulted on a draft airports NPS between 2 February and 25 May this year.

We received over 70,000 responses, and work to analyse them is ongoing. I would like to thank everyone who took the time to feed in their views.

In the consultation document, my Department was clear that further work was under way to update the evidence base, including revised aviation demand forecasts and the Government’s final air quality plan. It was intended these documents would be presented for consideration during the initial consultation, but the timing of the general election meant this was not possible.

I am therefore confirming that there is a need to conduct a short period of further consultation to allow this updated evidence to be taken into account. This further consultation will focus mainly on the specific elements of the NPS affected, and is expected to begin later this year.

I appointed the former Senior President of Tribunals, Sir Jeremy Sullivan, to provide independent oversight of the consultation process. I am very grateful to him for his hard work in helping to ensure that the consultation was as open, fair and transparent as possible. Today I am publishing his report on the initial consultation, and can announce that he has agreed to oversee the period of further consultation.

In my statement in July I said that the timing of the election—in particular the need to re-start the Select Committee process—meant we now expect to lay any final NPS in the first half of 2018 for a vote in the House of Commons. This Government remain committed to realising the benefits that airport expansion could bring, and I can confirm that we do not expect this additional period of consultation to impact on the timetable for parliamentary scrutiny of the NPS.

[HCWS119]

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